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# AUSTRALIAN BUSHRANGING

# History of Australian Bushranging

By CHARLES WHITE

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HISTORY  
OF  
AUSTRALIAN BUSHRANGING

BY  
CHARLES WHITE

*Author of "Convict Life in New South Wales and Van Diemen's  
Land" and "The Story of the Blacks"*

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## CHAPTER 1.

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### HISTORICAL SKETCH.

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The early history of bushranging in Australia will never be written, for the facts have never been recorded. Limited though the colony was in extent, its literature — even its journalism — was still more limited. Moreover, the first men who “took the bush” were neither important nor interesting enough to obtain more than a passing mention in those Governors’ despatches which are our chief authorities for early colonial history. Owing to the stringent military rule during the first years of convict settlement, the unknown character of the country, and the absence of prey in the shape of men with money or other possessions (the aborigines being the only occupants of the soil outside the properly formed settlements), those who were called bushrangers then were simply men who had broken away from their gangs in the hope of escaping from the torture of labour under Government. The name has been made to carry a very different meaning since then, being applied to men who, some from choice and some from necessity, ranged the bush as freebooters, “sticking-up” settlers and travellers and demanding in orthodox style “your money or your life.”

In 1796 Governor Hunter mentioned in de-

spatches "a gang or two of banditti who have armed themselves, and infest the country all round, committing robberies upon defenceless people, and frequently joining the natives for that purpose." On August 24, 1806, the "Sydney Gazette" mentions one "Murphy the bushranger" as having been caught, and then, through carelessness, let go again. But scarcely anything is known of the hundreds of unfortunate men who slipped away into the inhospitable wilds that then surrounded the penal settlement on every hand, kept themselves alive for some time by raids upon the outlying farms or by companying with the blacks, and in the end died off in such numbers that an early explorer declared he had counted on one trip fifty skeletons.

In Van Diemen's Land—for many years a receptacle for the worst class of convicts, who had added to their original offence a record for new crimes in Australia—the escaped convict was a more virulent evil, and his doings smacked of a brutal thirst for vengeance, not only on his former gaolers, but on all, white and black alike, who were less fiendish than himself. The early necessities of the settlement, which compelled the authorities to relax their rule and allow many of the convicts to hunt for sustenance, favoured the after-growth of small bands of "looters," who made raids upon the settlers in the bush, and even upon the inhabitants of the principal townships. These banditti had so increased by 1814 that Colonel Davey, the second Lieutenant-Governor of Van Diemen's Land, declared the whole colony under martial law, in hopes of checking their ravages, and punished by flogging all persons, free as well as bond, who left their houses by night.

Dr. West gives a list of place names then current which denoted the character or tastes of their early visitors and heroes:—Murderer's Plains, Killman Point, Hell Corner, Four Square Gallows, Murderers' Tiers, Dunn's Look-out, and Lemon's Lagoon.

A desire for freedom no doubt excited the convicts in the first instance to break from control and take to the bush, and the pangs of hunger led them to plunder; but they soon assumed a boldness and lawlessness that fairly intimidated the Government. Towards the close of 1813 the colony was reduced to the greatest distress by their raids; and Governor Macquarie, in despair, offered to pardon all who surrendered within six months, provided they had not committed murder—an offer which was taken advantage of by many who resumed their occupation shortly afterwards. Among the worst of these was Michael Howe, whose story—as a typical one—is told at greater length later in these pages. Lemon, another of them, who particularly affected the neighbourhood of Oatlands, has been described for us (with a comrade) in words that may picture his class: “Two savage-looking fellows emerged one from each side of the path. They were dressed in kangaroo-skins, with sandals of the same on their feet, and knapsacks on their backs; each carried a musket, and one had a brace of pistols stuck in his girdle.” The author from whom I quote—Mr. Parker, a barrister of those days—goes on a little later to describe the bushrangers' hut, in a dense forest only thirty-six miles from Hobart. “The hut was constructed of turf, low and uncomfortable in the extreme, covered with sheets of bark stripped from the forest trees. The fireplace, also of turf, lined with stones at

the bottom, was at one end of the hut, and within it a huge fire soon burned."

Lemon and his mate were at last tracked to this hut: Lemon was shot, and the companion was forced



TASMANIAN BLACK GIN.

to cut off his head, place it in a bag, and march with it to Hobart between his two captors. But punishment of this kind, brutal as it may seem, was courtesy compared to the deeds of the bushrangers themselves. Dunne, one of Brady's gang (whose depredations are narrated in another chapter) was loathed even by some

of his mates. One case will serve to show the villain's cruelty. When out in the bush he sought to get hold of a rather good-looking black gin, who was living with her husband, but the blackfellow naturally objected. With scant ceremony Dunne put a rifle bullet through the objector's breast. The poor gin, heart-broken at the death of her husband, refused to leave the mutilated body; but with devilish brutality Dunne cut off the blackfellow's head, drilled a hole through it, and suspended it by a string round the neck of the outraged wife. Drawing his knife he drove her onward at its point to his bush retreat—the den, indeed, of a tiger.

A similar story is told of Jeffries, known as "The Monster": but his victim was a white woman, whose baby was but newly born—and in rage, because she did not walk fast enough, he dashed the child's brains out against a tree.

Yet even men of this stamp found sympathizers. When Dunne was hanged his admirers presented him with an elegant cedar coffin, and a hundred of them followed it to the grave. For the bushranger, as says James Bonwick, "was, in general, looked upon as a sort of martyr to convictism. It was he who had experienced the shame, the lash, the brutal taunt, from which they had suffered. It was he who rose against the tyranny of their prison despot, and the dread consequences of their criminal law. He was the bold Robin Hood of their morning songs, and he was now the unfortunate victim of legal oppression, the captured of the chase. Without denying the atrocities of his career, they would discover many extenuations for his crimes. His reckless daring would be the noblest

chivalry; and the jovial freedom of his manners, the frankest generosity. His immoral jests would be cherished for posterity, and the eclat of his life and death would stimulate the worthy ambition of sympathizing souls. The very gallows had a charm."

There was, of course, another side to the question. Convict life was hard at best, and was often made almost unbearable by the petty cruelties of the prison official or the station overseer. It is worth while, by way of representing this other side, to reprint here a narrative which appeared in one of the leading London journals of 1845, and was then vouched for by the writers as correct in every detail.

In crossing the country one day, and at a distance from any habitation, Mr. Thornley, a settler, to his surprise and fear beheld at a short distance approaching him a noted bushranger, known by the name of "The Gipsy," who had latterly, with a band of associates, become the dread of the colony. He was a tall, well-made man, one apparently above the ordinary character of convicts, and whom it was distressing to see in such a situation. The parties approached each other with mutual distrust. Thornley knew he had a desperate character to deal with, and pointed his gun at him, but the bushranger seemed desirous of a parley, and after a few words, says the writer, he laid his gun quietly on the grass and then passed round me, and sat down at a few yards distance, so that I was between him and his weapon. "Well, Mr. Thornley," said he, "will that do? You see I am now unarmed. I don't ask you to do the same, because I cannot expect you to trust to me, but the truth is, I want to have a little talk with you. I have something on my mind which weighs heavy on me, and whom to speak to I do not know. I know your character, and that you have never been hard on your Government men, as some are. At any rate, speak to some one I must. Are you inclined to listen to me?"

I was exceedingly moved at this unexpected appeal to me at such a time and in such a place. There was no sound, and no object save ourselves, to disturb the vast solitude of the wilderness. Below us flowed the Clyde, beneath an abrupt precipice; around were undulating hills, almost bare of trees; in the distance towered the snowy mountain which formed the boundary to the landscape. I looked at my

companion doubtfully, for I had heard so many stories of the treachery of the bushrangers that I feared for a moment that this acting might only be a trick to throw me off my guard. Besides, this was the very man whom I knew to have been at the head of the party of bushrangers who had been captured at the Great Lake.

He observed the doubt and hesitation which were expressed in my looks, and pointed to his gun, which was on the other side of me.

"What more can I do," said he, "to convince you that I meditate neither violence nor treachery against you? Indeed, when you know my purpose, you will see that they would defeat my own object."

"What is your purpose, then? Tell me at once—are you one of the late party of bushrangers who have done such mischief in the island?"

"I am; and more than that, I am—or rather was—their leader. I planned the escape from Macquarie Harbour, and it was I who kept them together, and made them understand strength, and how to use it. But that's nothing now. I do not want to talk to you about that. But I tell you who and what I am, that you may see I have no disguise with you, because I have a great favour—a very great favour—to ask of you, and if I can obtain it from you on no other terms, I am almost inclined to say, take me to camp as your prisoner, and let the capture of the Gipsy—ah! I see you know that name, and the terror it has given to the merciless wretches who pursue me—I say, let the capture of the Gipsy, and his death, if you will (for it must come to that at last) be the price of the favour that I have to beg of you!"

"Speak on, my man," I said; "you have done some ill deeds, but this is not the time to taunt you with them. What do you want of me? If it is anything that an honest man can do, I promise you beforehand that I will do it."

"You will! but you do not know it yet. Now listen to me. Perhaps you do not know that I have been in the colony ten years. I was a lifer. It's bad that; better hang a man at once than punish him for life. There ought to be a prospect and an end to suffering; then a man can look forward to something; he would have hope left. But never mind that. I only speak of it because I believe it was the feeling of despair that first led me wrong, and drove me from bad to worse. Shortly after my landing I was assigned to a very good master. There were not many settlers then, and we did not know so much of the country as we do now. As I was handy in many things, and able to earn money, I soon got my liberty on the old condition; that is, of paying so much a week to my master. That trick is not played now.

but it was then, and by some of the big ones too. However, all I cared for was my liberty, and was glad enough to get that for seven shillings a week. But still I was a Government prisoner, and that galled me; for I knew I was liable to lose my license at the caprice of my master, and to be called into Government employ. Besides, I got acquainted with a young woman, and married her, and then I felt the bitterness of slavery worse than ever; for I was attached to her sincerely, and I could not contemplate the chance of parting from her without pain. So about three years after I had been in this way, I made an attempt to escape with her in a vessel that was sailing for England. It was a mad scheme, I know, but what will not a man risk for his liberty?"

"What led you to think of going back to England? What were you sent out here for?"

"I have no reason to care for hiding the truth. I was one of a gang of poachers in Herefordshire, and on a certain night we were surprised by the keepers, and somehow, I don't know how, we came to blows; and the long and the short of it is, one of the keepers was killed; and there's the truth of it."

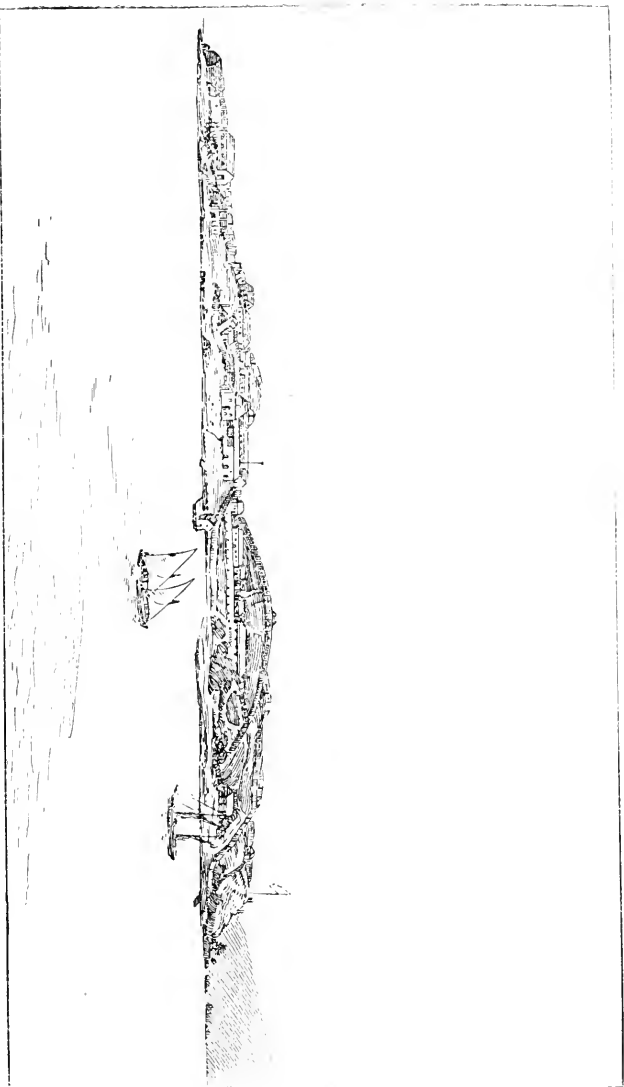
"And you were tried for the murder?"

"I and two others were; and one was hanged, and I and my mate were transported for life."

"Well, the less that's said about that the better; now go on with your story, but let me know what it is you would have me do for you."

"I'll come to that presently, but I must tell you something about my story, or you will not understand me. I was discovered in the vessel, concealed among the casks, by the searching party, and brought on shore with my wife; and you know, I suppose, that the punishment is death. But Colonel Davey—he was Governor then—let me off, but I was condemned to work in chains in Government employ. This was a horrid life, and I determined not to stand it. There were one or two others in the chain gang all ready for a start into the bush, if they had any one to plan for them. I was always a good one at head work, and it was not long before I contrived one night to get rid of our fetters. There were three others besides myself. We got on top of the wall very cleverly, and first one dropped down (it was as dark as pitch, and we could not see what became of him), then another dropped, and then the third. Not a word was spoken. I was the last, and glad enough was I when I felt myself sliding down the rope outside the yard. But I had to grin on the other side of my mouth when I came to the bottom. One of the sneaks whom I had trusted had betrayed us, and I found myself in the arms of two constables, who grasped me tightly.





SARAH ISLAND, MACQUARIE HARBOUR, TASMANIA.



I gave one of them a sickener, and could have easily managed the other, but he gave the alarm, and then lots of others sprang up, and lights and soldiers appeared. I was overpowered by so many. They bound my arms, and then I was tried for the attempt to escape and the assault on the constable, and condemned to Macquarie Harbour for life.

“I have not told you that my wife brought me a child. It is now seven years old. I loved that child, Mr. Thornley, more than a person usually loves his child. It was all in all to me. It was the only bright thing I had to look upon. When I was sentenced to Macquarie Harbour for life, it would have been a mercy to put me to death. I should have put myself to death, if it had not been for the thought of that little girl. Well, sir, I will not say more about that. When a man takes to the bush, and has done what I have done, he is thought to be a monster without feeling or affection. But people don't understand us. There is no man, sir, depend upon it, so bad that he has not some good in him, and I have some experience; for I have seen the worst of us—the very worst—in the most horrible of all conditions—for that Macquarie Harbour is a real hell upon earth! There is no time to tell you about the hardships which the prisoners suffer in that horrible place—it soon kills them. But my greatest misery was being deprived of my little girl—my plaything—my darling—my life! I had not been at Macquarie Harbour a month before news came that my wife was dead. I'll tell you the truth, sir; attached to her as I was, I was rather glad than sorry for it. I could not bear the thought of her falling into anybody else's hands, and as our separation was now absolutely and hopelessly for ever—it is the truth—I was rather glad than sorry when I heard of her death. But my poor little child! I thought of her night and day, wondering and thinking what would become of her! I could think of nothing else. At last my thoughts began to turn to the possibility of escaping from Macquarie Harbour, desperate as the attempt appeared; for, to cross the bush without arms, and without provisions, exposed to the attacks of the natives, seemed all but an impossibility. But almost anything may be done by resolution and patience, and watching your opportunity.”

[The escape having been effected.] “We scrambled away as well as we could, till we got a little distance off, and out of hearing, and then we set to with a will, and rid ourselves of our fetters, all except three, and these were too tightly fitted to be got off on a sudden without better tools. We got the three chained men along with us, however, as well as we could, for we would not leave them, so we helped them on by turns, and the next day, when we were more

easy, we contrived to rid them of their encumbrances. We hastened on all night. I ought to tell you that we heard the bell rung and the alarm given, but we had gained an hour good, and the ungagging of the sentinels and the overseers, and hearing their story, took up some time no doubt. Besides, it is not easy to hit on a track in the dusk, and as there were 14 of us, armed with two muskets, our pursuers would not proceed as briskly as they otherwise might, and would not scatter themselves to look after us. We were without provisions, but we did not care about that, and not being used to long walks, we were soon knocked up. But the desire of liberty kept us up, and we struck right across the country in as straight a line as we could guess. The second day we were all very sick and faint, and the night before was very cold, and we were cramped and unfit to travel. The second night we all crept into a cave, which was sandy inside, where we lay pretty warm, but we were ravenously hungry. We might have shot more than one kangaroo that day, but it was agreed that we should not fire, lest the report of our gun should betray our resting place to our pursuers. As we lay huddled together, we heard the opossums squealing in the trees about, and two of us, who were least tired, tried to get some of them. When we climbed up the trees, they sprang away like squirrels, and we had no chance with them that way; besides, it was dark, and we could distinguish them only faintly and obscurely. We did contrive, however, to kill five by pelting them on a long overhanging bough, but they remained suspended by their tails, and did not drop, although dead. To hungry men a dead opossum is something! so one of us contrived to climb to them and get them down; and then we lighted a fire in the cave, quite at the extremity inside, to prevent the flame from being seen, and roasted them as the natives do. They were horrid rank things to eat, and almost made us sick, hungry as we were; but I don't think a hair of them was left among us. The next day we shot a kangaroo, but we feared to light a fire because of the smoke, so we ate it raw.

"We first stuck on the outskirts of New Norfolk, and we debated what we should do. Some were for attacking the settlement, and getting arms, but I persuaded them that it would be better for us to endeavour to seize some small vessel, and escape altogether from the colony, and in the meantime to keep ourselves close, and not to give any alarm. My companions agreed to this, and we struck across the country to Brighton Plains, and so to Pitt Water, where we expected to find some large boats, or perhaps some small vessel, by means of which we might get away."

"And how is it that you did not follow that plan?"

"We did follow it, we got to Pitt Water, and lay snug there for a while, but we were obliged to rob a settler's house of provisions for food, and that first gave the alarm. We made a dash at a boat, but it was too late; precautions had been taken, and the soldiers were out after us. We were then obliged to retreat from Pitt Water, intending to get into the neighbourhood of the lakes, and go further westward if necessary, and retreat to the coast, where we judged we should be too far off to be molested."

"You did a great deal of mischief before you left it, if all the stories are true?"

"We did, Mr. Thornley, I own it, but my men were determined to have arms, and the settlers of course resisted, and some of my men got wounded, and that made them savage."

"And afterwards you attacked poor Moss's cottage?"

"My men had been told that he had a large sum in dollars at his hut—I am surprised that settlers can be so foolish as to take valuables into the bush—that was all they wanted."

"But why did you take poor Moss along with you?"

"I was obliged to do it to save his life. Some of my men would have knocked him on the head, if I had not prevented them. It is true, Mr. Thornley, it is indeed—I saved his life."

"Well, that's something in your favour. And now, as the sun is sinking fast, and as the dusk will come on us presently, tell me at once what you would have me do for you."

"Mr. Thornley," said the bushranger, "I have told you of my little girl. I have seen her since the dispersion of my party at the Great Lake. You know that I and another escaped. Since then I have ventured in disguise into Hobart Town itself. The sight of her, and her embraces, have produced in me a strange feeling. I would willingly sacrifice my life to do her good, and I cannot conceal from myself that the chances are that I must be taken at last, and that if I do not perish miserably in the bush I shall be betrayed, and shot or hanged."

"And what can I do to prevent it?"

"You can do nothing to prevent that end, for I know that I am too deep in for it to be pardoned. If I were to give myself up the Government would be obliged to hang me for example's sake. No, no: I know my own condition, and I foresee my own fate. It is not of myself that I am thinking, but of my child. Mr. Thornley, will you do this for me—will you do an act of kindness and charity to a wretched man, who has only one thing to care for in this world? I know it is much to ask, and that I ought not to be disappointed if you refuse it. Will you keep an eye on my poor child, and so far as you can, protect her? I cannot ask you to provide

for her, but be her protector, and let her little innocent heart know that there is some one in the wide world to whom she may look up for advice—for assistance, perhaps, in difficulty; at all events, for kindness and sympathy: this is my request. Will you have so much compassion on the poor, blasted and hunted bushranger, as to promise to do for me this act of kindness?"

I gazed with astonishment, and I must add, not without visible concern, on the passionate appeal of this desperate man in behalf of his child. I saw he was in earnest—there is no mistaking a man under such circumstances. I rapidly contemplated all the inconvenience of such an awkward charge as a hanged bushranger's orphan. As these thoughts passed through my mind, I caught the eye of the father. There was an expression in it of such utter abandonment of everything but the fate of his little daughter, which seemed to depend on my answer, that I was fairly overcome, and could not refuse him. "I will look after her," I said, "but there must be no more blood on your hands; you must promise me that. She shall be cared for, and now that I have said it, that's enough—I never break my word."

"Enough," said he, "and more than I expected. I thank you for this, Mr. Thornley. I could thank you on my knees. But what is that? Look there! A man on horseback, and more on foot. I must be on my guard."

As he spoke, the horseman galloped swiftly towards us. The men on foot came on in a body, and I perceived that they were a party of soldiers. The Gipsy regarded them earnestly for a moment, and then ran to his gun, but in his eagerness he tripped and fell. The horseman, who was one of the constables from Hobart Town, was too quick for him. Before he could recover himself, and seize his gun, the horseman was upon him. "Surrender, you villain, or I'll shoot you."

The Gipsy clutched the horse's bridle, which reared and plunged, throwing the constable from his seat. He was a powerful and active man, and catching hold of the Gipsy in his descent, he grappled with him and tried to pinion his arms. He failed in this, and a fearful struggle took place between them. "Come on," cried the constable to the soldiers, "let us take him alive."

The soldiers came on at a run. In the meantime, the constable had got the Gipsy down, and the soldiers were close at hand, when suddenly, and with a convulsive effort, the Gipsy got his arms round the body of his captor, and with desperate efforts rolled himself round and round, with the constable interlaced in his arms, to the edge of the precipice. "For God's sake," cried the constable, with a shriek of agony, "help, help! We shall be over!" But it was too late. The

soldiers were in the act of grasping the wretched man's clothes when the bushranger, with a last convulsive struggle, whirled the body of his antagonist over the precipice, himself accompanying him in his fall. We gazed over the edge, and beheld the bodies of the two clasped fast together, turning over and over in the air, till they came with a terrible shock to the ground, smashed and lifeless. As the precipice overhung the river, the bodies had not far to roll before they splashed into the water, and we saw them no more.

The reader may be interested to know that Mr. Thornley was better than his word. He sought the daughter of the unfortunate man, took her home to his house, and afterwards sent her to England.

The gangs of bushrangers that infested New South Wales in the early days were not so numerous as those in Van Diemen's Land, neither were they as a rule so cruel and bloodthirsty. But some of the outlaws were terrible characters, and during the period they carried on their nefarious operations the country over which they roamed was kept in a continual state of unrest and fear.

Up to 1815 bushranging—and that of the more harmless kind—was confined to the country between Sydney and Emu Plains, for the first difficulty of mountain travelling had not then been overcome. The men who "took the bush" had escaped either from the barracks at Sydney, or from the road and ironed gangs about Windsor, Richmond, Parramatta, and Emu Plains, or had absconded from the service of townsmen or settlers in the localities named, and were well content if they could, even for a short time only, eke out a bare existence among the roving tribes of half-civilized blacks, or by occasional visits to the few cultivated fields or barns not guarded by the military. These men were, however, sooner or later driven by starvation to surrender, glad to seek food although

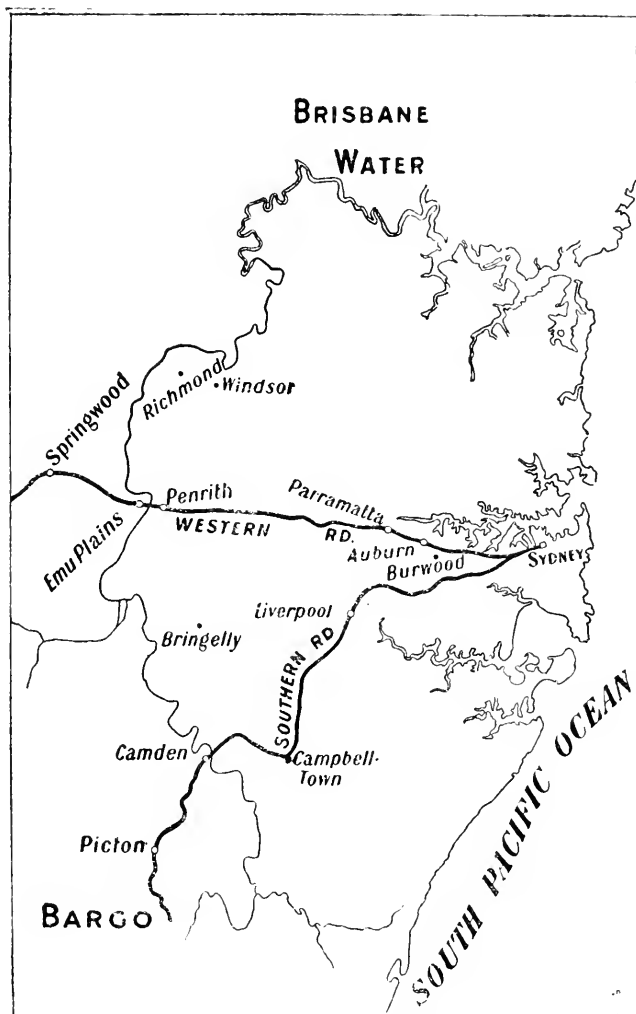
associated with stripes from the "cat" or drudgery in chains, heavier than that from which they had sought relief by flight. Some were shot down by the soldiers in the bush; not a few fell victims to the blackfellow's spear or waddy; others lost themselves in the bush and perished, their bleached bones—or that portion of them which had been left by the native dogs—being afterwards found near some "blind" gully or amidst the scrub.

The opening of the mountain road from Emu Plains to Bathurst not only extended the area of rapine to the new settlements on the western plains, but gave criminals a far better chance of intercepting valuable booty while in transit over the rugged tableland of the Blue Mountains. But while, as we shall see, the Bathurst district had its full share of trouble, it was still nearer Sydney that plunder was sought by the more daring spirits.

The following extract from a Sydney newspaper of 1826 at once illustrates this type of crime, and brings vividly before our eyes the closeness of the bush to Sydney in those early days:—

Two daring bushrangers, named Mustin and Watkins, were captured on Monday last, between four and five o'clock in the morning, near Burwood, six or seven miles distant from Sydney, by Major Lockyer, J.P., and a party of military, together with Constables Sutland and O'Meara (and some others) of the police. The Superintendent of Police, together with a full bench of magistrates, was engaged for a considerable length of time on Monday in receiving depositions connected with some of the atrocities perpetrated by these desperadoes, of which, it is thought, a considerable number remain undeveloped. It appeared that, on Friday last, between eight and nine o'clock at night, three men, armed with guns and pistols, two of whom were the prisoners, entered the house of Mr. James Coles, publican, on the Liverpool-road, after all the family, with the exception of a





COUNTY OF CUMBERLAND.



man servant and a girl, had retired to rest. Immediately on their entrance, having ascertained that the master of the house was in bed, they, with many threats in case of disobedience, directed the servants to remain in the bar, leaving one of their party as a guard over them, whilst the other two proceeded to the bedroom of Mr. Coles; and telling him that they would blow his brains out if he made the least resistance proceeded to search the place, and demanded what money he had in his possession. Mr. Coles denied having any in the house; but the robbers having discovered a box which they suspected to contain what they were in search of, one of them presented his musket, stating that he would immediately blow it open if the keys were not instantly delivered to him. One of the family, apprehensive of personal violence being resorted to, accordingly complied with the demand by giving up the keys, when the robbers possessed themselves of all the money they could find, amounting to upwards of £60, together with a watch and seals and a pistol. They afterwards repaired to a storeroom and took away a leg of pork and a pig's head; and returning to the bar they ordered the female servant to fill them half a gallon of brandy and the same quantity of wine, which having obtained, together with about four pounds weight of sugar and a pair of boots which hung in the bar, they departed.

It appeared, also, that the same party paid a visit to Burwood, the residence of Dr. Dulhunty, on the following night, Saturday. The noise of dogs barking alarmed the family, and Mr. Dulhunty, jun., immediately proceeded to the hut of the Government servants, at some distance from the house, which he found, on his entrance, to be filled with strange men. Some excuse was set up that they belonged to a neighbouring road party, and Mr. Dulhunty returned to the house, when after some time receiving a second alarm from one of his family, having seen a flash from a gun or pistol in the direction of the hut, he again went out, armed with a pistol and stick, and finding the same party, he ordered them away, when using some imprecations they rushed out, and one of them snapped a pistol at Mr. Dulhunty, which fortunately missed fire. A scuffle ensued, in which Mr. Dulhunty was knocked down, and beaten by one of the ruffians with the butt end of a pistol. He afterwards ran towards the house to procure assistance, and on his way perceived a man getting over a fence, at whom he presented a pistol, and happening to slip at the moment, the pistol went off as he fell, and the fellow escaped, but it is thought received his death wound on that occasion, and was hidden in the bush by his companions, as he has not since been discovered. The robbers succeeded in effecting their escape on Saturday night,

and on Sunday morning, previous to coming to town to give information to the police, Mr. Dulhunty discovered part of a steel watch-chain, with a gold seal and keys appended, lying close to the fence, and near as he stated to a pool of blood. The chain and seals, together with a watch subsequently found with the prisoners, were identified by Mr. Coles as those taken from the premises on the preceding night. On Monday morning, the constables, accompanied by Major Lockyer, as a magistrate, and a party of soldiers, apprehended the prisoners in the bush, about a mile and a half from Burwood. They were concealed under two fallen trees, with a tarpaulin and brush-wood over them, and, on being searched, the money taken from Mr. Coles was found in their possession when they were secured. Major Lockyer said to Mustin, "You are the man Mr. Dulhunty beat last night," he replied, "I am," and, after finding the money, when Major Lockyer directed a further search to be made about the place, Mustin said, "Oh! there is no occasion, you have got enough to hang fifty men." The boots taken from the house of Mr. Coles were identified at the police station, on the prisoner Watkins, and upon the Superintendent ordering them to be taken off, some of the bystanders overheard Mustin say, "You'll make a liar of your mother now, she always said you'd be hanged in your shoes, but you won't." They were yesterday fully committed.

In addition to the foregoing, we hasten to give the following from our Parramatta correspondent:—

About 11 o'clock on Saturday night last information reached Mr. John Thorn, Chief Constable of Parramatta, that a party of bushrangers were reconnoitering contiguous to the Western Toll-gate, in the Government Domain. Mr. Thorn, in consequence, accompanied by Wardsman Wells and Constable Ratty, aided also by Mr. Piesley, junr., proceeded to the toll-house, where the Chief Constable concerted that Constable Ratty should proceed with a large bundle down the road and counterfeit drunkenness, while the party made a circuitous route on the other side of the road in the bush. Constable Ratty proceeded as directed, and, when at the distance only of about 100 yards from the toll-house, four or five men, as stated by Ratty, jumped over and demanded the bundle: some of the party were armed. Ratty, as pre-directed, said, in a tone of voice to be heard by the party, "Well, if you must take the bundle, you must"; and one of the robbers then took it from him. Ratty immediately fired at and shot the man through the neck, on which two other shots were returned. The party then made up, when the foremost, Mr. John Piesley, found four men contending with Ratty. He fired at one, who fell, exclaiming "I

am killed." The night was extremely dark, and the repeated flashes from the fire-arms rendered it still more impenetrable. Wells then fired, and Mr. Thorn and J. Piesley pursued another of the gang; Piesley fired, but missed him. They continued the pursuit, when the man took the fence. Mr. Thorn jumped also upon the fence, and as the robber was making into the bush, he fired, and the man fell, but before Mr. T. came up he rose, and ran a few yards and fell again, when he was secured. He was slightly wounded in the head by a ball. On coming up to the others of the party, it was discovered that Constable Ratty received a ball which penetrated the middle of his back, and passed through and lodged in his breast, within half an inch of the chin, where the ball was extracted; one of the three robbers that were shot escaped during the engagement, and it is with considerable regret I inform you, that another of them, when within about ten yards of the gaol, escaped from a constable into whose custody he had been given by the chief constable, while he reported the circumstances to Dr. Harris. Two of the men's names so shot are Cook and Ward; the other, who escaped in the contest, is supposed to be Currey, runaways from the mountain iron gang. Patrols of the constables and military have since been sent out to scour the haunts of those marauders. Constable Ratty continues very ill indeed; considerable danger is apprehended; it is also doubtful whether the shot by which he was wounded was not fired by Wardsman Wells in mistake. Great credit is due to the chief constable and party (in which Mr. Piesley, jun., behaved in a very intrepid manner), for their exertions on this occasion.

When information of the foregoing depredations reached Colonel Dumaresq, the Private Secretary, he directly issued orders for three different detachments of military to proceed and surround the country in the neighbourhood of Liverpool Parramatta, &c., so as to completely cut off all chance for the bushrangers to escape; and it is mainly to this promptitude that the inhabitants of those districts are indebted for the capture of such desperadoes. It is worthy of remark, that so efficient have been the means adopted by the authorities of late, that scarcely a robbery has been committed, the perpetrators of which have not been secured within a few days after.

Here is a proclamation issued by Governor Darling a few years later. The Governor's attitude as lecturer on morals is not less interesting than the rewards which he deals out to the supporters of law and order:—

Colonial Secretary's Office:—The Governor having had under consideration the circumstances attending the death of MacNamara and the execution of Dalton, would fain encourage a hope that these awful events will awaken their abettors and associates in crime to a sense of their own situation, and will prove a useful lesson to others, less depraved and vicious, by deterring them from pursuing the like criminal and unlawful courses.

Let these but for a moment consider the short and dreadful career of these wretched men, and they will require no further warning. They would find that the utmost success would be no recompense for the anxiety of mind which they must have constantly experienced. Driven by their lawless pursuits to the foulest means—robbery and murder—of obtaining a precarious and guilty subsistence, they wandered in fear and dread of being overtaken, as they were at last; when, as if by the dispensation of a just and unerring Providence, MacNamara, the most atrocious offender of the two, was, in an instant, deprived of life, to be made answerable elsewhere for the crimes he has committed here; while Dalton was reserved to expiate his offences, which he did, in a few days, by an ignominious death on the gallows.

The fate of those who commit crimes, such as these men have been guilty of, is certain. They may escape for a moment: it will be for a moment only. The violated laws of God and man seek retribution, and will not suffer him to live who has taken away the life of another.

The Governor has been induced to offer these observations, that the inconsiderate (if there be men who commit crimes from want of consideration) may reflect and be made aware of the fate which inevitably awaits the commission of the more serious offences. On the hardened and more confirmed criminals he has but little hope of making any impression; but he trusts the effort to restrain those less devoted to vicious pursuits will not be entirely fruitless.

Robberies would be less frequent if receivers were not so numerous. These people may be assured that the utmost rigour of the law will be exercised in their case. Let the fate of Adlan and wife be a warning to them. The former is now under sentence of transportation to Norfolk Island for 14 years, and the latter to Moreton Bay for the same period. These people were the depositories of the plunder of Bowen and Jackson's houses: plunder acquired by acts of atrocity and outrage. The facility of disposing of stolen property leads to the commission of robberies and other serious crimes. Every bushman should feel that it is his duty to bring to conviction the receiver as he would an assassin, with

whom the former is generally identified, and not unfrequently the abettor and instigator of his crimes.

It now becomes the more pleasing duty of the Governor, which he discharges with the sincerest satisfaction, to notice the meritorious conduct of Mr. John Thorn, the chief constable of Parramatta, who evinced the utmost intrepidity in pursuing and capturing Dalton.

Samuel Horn, wardsman of Parramatta, had not only the good fortune to escape the shot of MacNamara, which passed through his hat, but to kill him at the instant, his ball having lodged in MacNamara's breast.

Anthony Finn, ordinary constable, though not immediately concerned in the capture of either of the prisoners, has a fair claim to praise for his zeal on the occasion.

The Governor has been pleased to order, in consideration of the services of Mr. Thorn, that he shall receive a grant of land of one square mile, free of quit rent for ever; and that the deed shall specify the services for which the grant has been made.

Also, that Samuel Horn, holding a conditional pardon, shall receive a full pardon, with a grant of half a square mile of land, free of quit rent; and that Anthony Finn shall receive half a square mile of land, free of quit rent.

Having thus noticed the proceedings of the police of Parramatta, the Governor has equal satisfaction in expressing his approbation of the conduct of Mr. Frederick Meredith, junior, chief constable of Liverpool, in the attempt made on Jackson's house, in the month of March last. The assailants, five in number, men of desperate character (MacNamara and Dalton being of the party) were not beat off until after a sharp contest, in which Mr. Meredith was severely wounded. It is very satisfactory to the Governor to advert to the highly commendable conduct of Mr. Jackson, in defending his house: and he has been pleased to order that William Johnson, his assigned servant, who so courageously assisted in protecting his master's property, shall receive a ticket-of-leave for his services on the occasion.

The Governor has further been pleased to order, as an acknowledgment of Mr. Meredith's services generally, and more especially on the occasion of the attack on Jackson, that he shall receive a grant of one square mile of land, the same as Mr. Thorn, the chief constable of Parramatta.

His Excellency cannot dismiss this subject without expressing the satisfaction he has derived from learning that Mr. Thorn and Mr. Meredith are both natives of the colony. They have availed themselves in the most spirited manner of

the opportunity which their situation afforded them, of serving their country. Let their brethren generally imitate their example as the Government will foster them as its children.

A fuller account of Donohoe and Webber, the most notorious of the Cumberland bushrangers, and

D. 16.

# **TICKET-OF-LEAVE.**

No.



44/2530

PRINCIPAL SUPERINTENDENT OF CONVICTS' OFFICE,

Sydney, New South Wales,

11 October 1844.

IT is His Excellency's, the Governor's, Pleasure to dispense with the Attendance at Government Work of *John Commons* —

who was tried at *Galway* 4 September 1835 —

Convict for *Life* — arrived per Ship *Matutuo* (4) *Cow* Master, in the Year 1836 and to permit him

to employ himself (off the Stores) in any lawful occupation within the District of

*Warr* — for his own advantage during good behaviour; or until His Excellency's further Pleasure shall be made known.

By His Excellency's Command.

Registered in the Office of the Principal  
Superintendent of Convicts.

*Thomas Ryan*  
*Chief Clerk*

*W. H. L. L.*

TICKET-OF-LEAVE.

of the disturbed conditions which prevailed in the west during the twenties, and culminated in the Bathurst outbreak of 1830, will be found in the body of this work. After that date bushranging ceased to be



the serious and all prevailing evil which it had become in the later twenties; though the exploits of Martin Cash in Van Diemen's Land, of the "Jew Boy" in the Hunter Valley, and of "Scotchey" and Witton in the Lachlan district, are important enough to receive separate treatment.

Mail coach robberies were not frequent in these earlier days, for the simple reason that there were then very few mail coaches to be "stuck up." Yet here is one case that occurred some years before the first sod of the first railway was turned at Redfern. A four-horse coach was proceeding with the "Royal mail" from Windsor to Sydney, there being several passengers, one of whom was on the box-seat with the driver, being well armed. At the foot of a hill the body of a man, lying upon his face, was seen in the middle of the road. The driver and his companion at once jumped to the conclusion that the man had fallen a victim to the bushrangers, and as they neared him, the coachman pulled up his team, handed the reins to his companion, and was in the act of descending to see if the man were really dead, when the whole party were startled by hearing the command, "Bail up, or you're dead men!" proceeding from the roadside, while the driver found himself looking fair into the barrel of a gun which was being pointed at him from the spot. At the same time the couchant bandit—for such he proved to be—sprang from the ground, turned the leading horses across the pole of the coach, and then covered the box-seat passenger with his blunderbus before he could get rid of the reins which the coachman had placed in his hands. The driver was then commanded to unhitch the horses, and the passengers

were compelled to stand in a row on the roadside while one of the bushrangers "went through" their pockets and appropriated all their money and watches. The mailbags were then ripped open and the letters containing money extracted. The armed passenger had on a pair of trousers which took the fancy of the tallest of the robbers, and much to his chagrin he was compelled to disrobe, being left to shiver in the cold while the footpad drew the trousers over his own. Then taking the two leaders as "mounts," the bushrangers bid their victims "good-day" and departed, leaving the impoverished and frightened passengers to pursue the rest of the journey with two horses instead of four.

The gold discoveries gave bushranging a new lease of life. When the first gold fever set in, the crowds that left Sydney and other centres of population for the distant fields at Summerhill and the Turon, and later still, Adelong and the Ovens, contained not a small sprinkling of those who, if they were not then bushrangers, afterwards became such. It suited them better to waylay and rob those who were going to or retiring from the gold-fields than to themselves handle pick and shovel and cradle, and they scrupled not to murder as well as rob if the hapless victims made even a show of resistance. As might be expected, it was the old convict element that first came to the front in this way, and I give in a subsequent chapter two typical sketches of their mode of procedure—the story of Day, the blacksmith bushranger, and that of Williams and Flanagan, the highway robbers of the St. Kilda-road.

But a new era was opening—that of the gangs, made up for the most part of freeborn men, the sons of

small farmers settled on the Western mountain slopes, whose begetter and prime exemplar was Frank Gardiner. With them we approach times within the knowledge of most middle aged Australians; many of my readers will have very vivid recollections of the tumultuous years that followed 1860, when Gardiner and Ben Hall, in the west, and the Clarkes in the south, filled the newspapers with their audacity, and men's hearts with the fear of them. In this volume I have space to deal only with Gardiner and his mates: the full development of the gang-system, its wane towards the end of the sixties, and its unexpected revival in 1878 by the notorious Kellys, will require a volume of their own.

## CHAPTER II.

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### TASMANIAN GANGS: HOWE'S—BRADY'S—BRITTON'S.

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#### MICHAEL HOWE AND HIS GANG.

In early life Howe had been a sailor on a British man-of-war; but he grew weary of ship's discipline, deserted, and next appeared as a highwayman on English roads. He was soon caught, convicted, and transported to Van Diemen's Land, arriving there in 1812. On arrival he was assigned to a merchant and stockholder named Ingle; but Howe had large ambitions. "I have served the King," he said, "and will be no meaner man's slave." Upon which he took to the bush, and gathered round him the most troublesome of all the gangs then abroad. When Macquarie made his offer of pardon, Howe and his companions came in with the rest, and took a holiday in Hobart Town; but he was soon tired of town life, and took to the bush again under Whitehead, who was the leader of a gang of twenty-eight.

The gang plundered in a most systematic and relentless way, and did not scruple to shoot down any who made an attempt at remonstrance or resistance. Attacking the settlers of New Norfolk, they took away their firearms, broke open their homesteads, burned their wheat stacks and houses, and carried off

all the portable property upon which they could lay their hands. Even the Police Magistrate and the district constable at Pittwater had a fire-stick applied to their stacks, and counted themselves fortunate not to have lost house and life as well. A second attack on New Norfolk was unsuccessfully opposed by a mixed force of settlers and soldiers: the bushrangers shot two, captured a third, and drove their opponents from the settlement. But a second party of soldiers, sent post haste from Hobart Town on receipt of the news, surprised the gang in the midst of its marauding, and mortally wounded its leader. Two others were captured, but Howe and the rest got clean away in the darkness of the night. When Whitehead was wounded he immediately appealed to Howe to cut off his head, so that the pursuers should not get the reward; for it had been arranged between them that whichever survived should do his fallen comrade this service. Howe carried out the agreement, but the head was found in the bush later on, and the body was carried to Hobart and gibbeted at Hunter's Island.

After the death of Whitehead, Howe assumed the leadership of the gang, and at once led them on to fresh depredations. Their movements were very rapid, and covered a large area of country; one day they were reported at Launceston and shortly afterwards at Bagdad, a hundred miles off, where their scouts had given them news of rich booty.

Howe assumed the airs of a chief, and introduced naval rule into his camp. The members were compelled to subscribe to articles of obedience, the oath was administered on a Prayer Book, and penalties were exacted for any breach of discipline. He styled

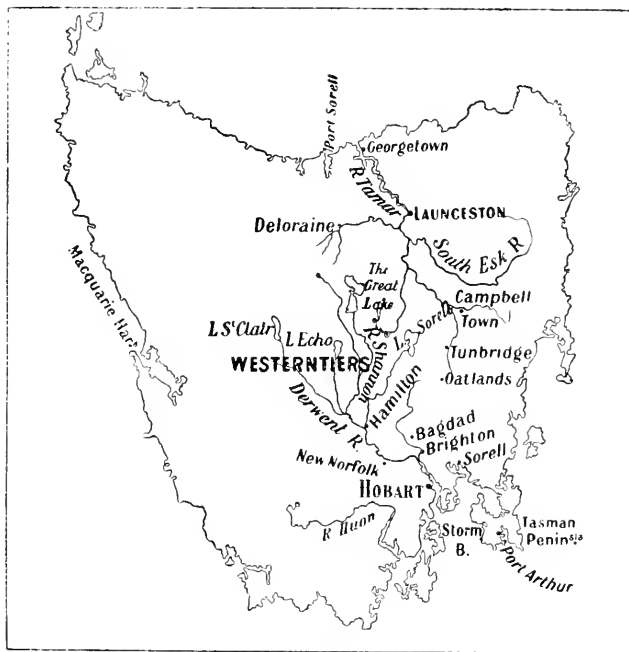
himself "Governor of the Rangers," as opposed to the representative of Royalty in Hobart Town, whom he called "Governor of the Town."

In all his marauding expeditions he was attended by a faithful aboriginal girl named Black Mary, who must have been invaluable to him both as scout and as servant. But his gratitude was as feeble as his morals, and her fidelity had but ill reward. Some soldiers of the 46th, who had been despatched in pursuit of the gang, once came across Howe and Mary apart from the others. Howe ran for his life: the girl could not keep up with him; he saw that the soldiers must overtake her and capture him if he remained with her; so he turned and fired upon her. She fell and was seized. Her master, throwing away his knapsack and gun, plunged into the scrub, through which his pursuers could not follow him. In the knapsack was a primitive-looking book of kangaroo skin, upon which were recorded, in letters of blood, the dreams of greatness which filled the bushranger's mind.

Mary could not forgive her faithless lord. The wounds were not mortal, and when they had healed she determined to have her revenge. Leading his pursuers, she tracked the hunted bushranger from place to place, until the chase grew so close and hot that Howe offered to surrender on terms. He wrote to the "Governor of the Town" and managed to get the letter forwarded by a person who was able to go between the two "Governors" without injury to himself. And, strange to say, Governor Sorell entertained the proposals made by "Governor" Howe, and actually sent one of his officers to treat with him.

Outlaws have dictated terms on many occasions,

but never, I venture to say, under such conditions. Society, as West says, must have been on the verge of dissolution when letters and messages could pass between the Government and an outlaw. The surrender took place in due course, and Howe was once more a prisoner.



TASMANIA.

His gang, however, was by no means dispersed. Howe had promised to betray them, but the information he gave was of very little use, and things were soon worse than ever. A reign of terror began. The richer settlers abandoned their homes and took refuge

in the town. The boat that carried provisions between Launceston and Georgetown was seized, and recruits obtained from its crew. The Governor appealed to the public, who raised by subscription a reward for the gang's capture. A party of soldiers ran them to earth, but could do nothing against their well-posted force but kill its new leader.

During this time Howe was in prison. Notwithstanding his previous character, he was allowed considerable freedom of movement by the authorities, and soon took advantage of it. He pleaded ill-health, was allowed to walk abroad in charge of a constable, and walked very much abroad, leaving the constable in the rear. Soon he was again at the head of a party, which included some of his old companions in arms. But one night trouble arose; two of the gang incurred the anger of the leader, who decided to make short work of them. At midnight, while both were sleeping, he crept upon them, and put an end to one by cutting his throat from ear to ear, and to the other by clubbing him on the head with the stock of a gun.

By degrees the gang was reduced to three—Howe, Watts, and Brown—and more trouble came. Brown surrendered himself to the authorities, and Watts plotted against his leader to save his own life. At this time there were rewards out for Howe and Watts amounting to £100 each, and knowing this, the men were increasingly watchful; but Watts placed himself in communication with a stock-keeper on a station near, and elaborated plans for capturing Howe. The latter suspected that something was wrong, however, and accused Watts of infidelity, which the latter denied; as a proof that he was prepared to argue the



matter calmly he suggested that each should knock out the priming of his gun before coming to an explanation. Howe agreed: Drewe, the stock-keeper (probably an old confederate), came up, and the three proceeded to "camp." As Howe stooped to fan the fire into a blaze with his hat, Watts suddenly pounced upon him, threw him down, and with Drewe's assistance secured his hands. They then took his knife and pistols and went on with breakfast, giving Howe to understand that they intended to take him straight into Hobart Town. When all was ready they started on their journey, Watts going first with a gun in his hand; Howe, with his hands bound, coming next; and Drewe bringing up the rear. They had not proceeded far, however, when the bound leader suddenly exerted his giant strength, snapped his bands, and sprang upon Watts, stabbing him in the back with a dirk which his captors had overlooked in their search. As Watts fell Howe seized his gun and fired at Drewe, shooting him dead. Strange to say, he did not stop to complete his work on Watts, but left him where he had fallen, doubtless thinking that the slow death would be a greater punishment. Watts managed to reach the town, however, and give information, afterwards being removed to Sydney, where he died of his wounds.

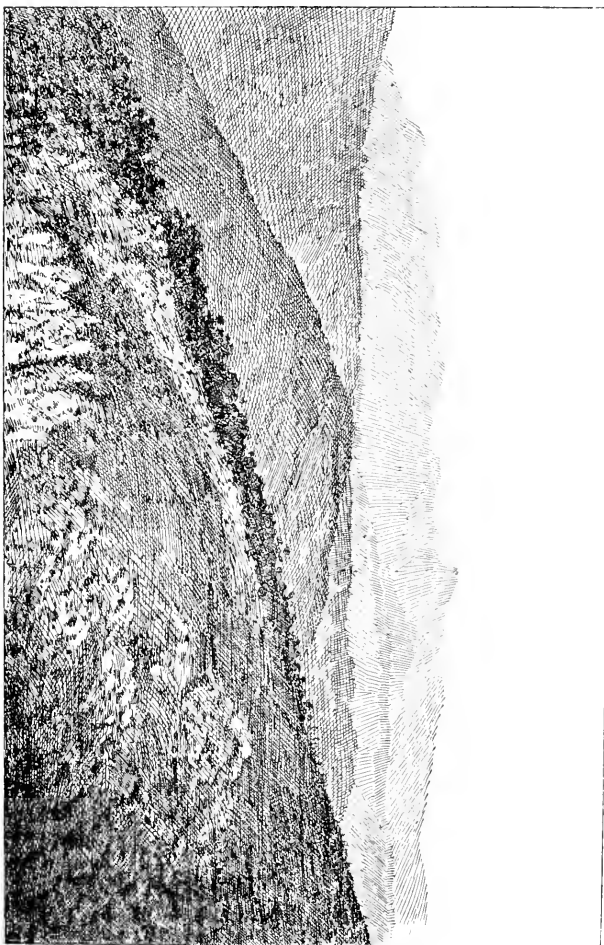
Once more free, Howe determined to act for himself, without trusting his liberty to companions; but he spent a terrible time. The Governor added a second hundred pounds to the first reward, as well as a free pardon and a passage to England to any prisoner who might succeed in bringing him to justice. Hunted more persistently than a wild dog would have

been, Howe betook himself to the mountains, and only appeared when hunger or lack of ammunition forced him to the settlements: at such times his reputation and his savage looks gained him time to seize the supplies he wanted before his victims could make up their minds to resist him.

Bonwick, who was well acquainted with the locality, thus describes his hiding place:—"Badgered on all sides, he chose a retreat among the mountain fastnesses of the Upper Shannon, a dreary solitude of cloud-land, the rocky home of hermit eagles. On this elevated plateau—contiguous to the almost bottomless lakes from whose crater-formed recesses in ancient days torrents of liquid fire poured forth upon the plains of Tasmania, or rose uplifted in basaltic masses like frowning Wellington;—within sight of lofty hills of snow, having the Peak of Teneriffe to the south, Frenchman's Cap and Byron to the west, Miller's Bluff to the east, and the serrated crest of the Western Tier to the north; entrenched in dense woods, with surrounding forests of dead poles through whose leafless passages the wind harshly whistled in a storm;—thus situated amidst some of the sublimest scenes of nature, away from suffering and degraded humanity, the lonely bushranger was confronted with his God and his own conscience."

In October, 1818, a former accomplice in the pay of a man named Worrall, who had determined to capture him, lured him to his fate by promises of food. The story of his capture is given in the captor's own words in the Military Sketch Book, and I cannot do better than repeat it here:—

"I was now," says Worrall, "determined to make



FRENCHMAN'S CAP.



a push for the capture of this villain, Mick Howe, for which I was promised a passage to England in the next ship that sailed, and the amount of reward laid upon his head. I found out a man of the name of Warburton, who was in the habit of hunting kangaroos for their skins, and who had frequently met Howe during his excursions, and sometimes furnished him with ammunition. He gave me such an account of Howe's habits, that I felt convinced we could take him with a little assistance. I therefore spoke to a man named Pugh, belonging to the 48th Regiment, one who I knew was a most cool and resolute fellow. He immediately entered into my views, and having applied to Major Bell, his commanding officer, he was recommended by him to the Governor, by whom he was permitted to act, and allowed to join us; so he and I went directly to Warburton, who heartily entered into the scheme, and all things were arranged for putting it into execution. The plan was this:—Pugh and I were to remain in Warburton's hut, while Warburton himself was to fall into Howe's way. The hut was on the River Shannon, standing so completely by itself, and so out of the track of anybody who might be feared by Howe, that there was every probability of accomplishing our wishes, and 'scotch the snake,' as they say, if not kill it. Pugh and I accordingly proceeded to the appointed hut. We arrived there before daybreak, and having made a hearty breakfast, Warburton set out to seek Howe. He took no arms with him, in order to still more effectually carry his point, but Pugh and I were provided with muskets and pistols. The sun had just been an hour up when we saw Warburton and Howe upon the top of the hill

coming towards the hut. We expected they would be with us in a quarter of an hour, and so we sat down upon the trunk of a tree inside the hut calmly waiting their arrival. An hour passed but they did not come, and I crept to the door cautiously and peeped out. There I saw them standing within a hundred yards of us in earnest conversation; as I learned afterwards the delay arose from Howe suspecting that all was not right; I drew back from the door to my station, and about ten minutes after this we plainly heard footsteps and the voice of Warburton. Another moment and Howe slowly entered the hut—his gun presented and cocked. The instant he espied us he cried out 'Is that your game?' and immediately fired, but Pugh's activity prevented the shot from taking effect, for he knocked the gun aside. Howe ran off like a wolf. I fired but missed. Pugh then halted and took aim at him, but also missed. I immediately flung away the gun and ran after Howe; Pugh also pursued; Warburton was a considerable distance away. I ran very fast; so did Howe; and if he had not fallen down an unexpected bank, I should not have been fleet enough for him. This fall, however, brought me up with him; he was on his legs and preparing to climb a broken bank, which would have given him a free run into the wood, when I presented my pistol at him and desired him to stand; he drew forth another, but did not level it at me. We were then about fifteen yards from each other, the bank he fell from being between us. He stared at me with astonishment, and to tell you the truth, I was a little astonished at him, for he was covered with patches of kangaroo skins, and wore a black beard—a haversack and powder horn

slung across his shoulders. I wore my beard also as I do now, and a curious pair we looked. After a moment's pause he cried out. 'Black beard against grey beard for a million!' and fired; I slapped at him, and I believe hit him, for he staggered, but rallied again, and was clearing the bank between him and me when Pugh ran up and with the butt end of his firelock knocked him down, jumped after him, and battered his brains out, just as he was opening a clasp knife to defend himself."

So closed the last act in Howe's career. His head was cut off and exhibited in Hobart Town, and those who had feared him felt safe at last. Many murders were attributed to him besides those referred to. It was said that among his victims were two of his boon companions, who had committed some trifling offence, and concerning one of these it was said that Howe tied his hands and feet before shooting him.

The remaining members of the original gang all met a deservedly ignominious fate, most of them before Howe's death. M'Guire and Burne were tried and executed for the murder of Carlisle. Geary, who assumed command during the interregnum caused by Howe's temporary surrender, was shot dead in an encounter with the police. Lepton had his throat cut by a recent addition to the ranks named Hillier, who also nearly "did for" Collier at the same time. The latter was subsequently hanged in Hobart, after being tried in Sydney and convicted. Other men who joined the gang at different times also came to a violent end.

## BRADY'S GANG.

Brady was a Macquarie Harbour convict, whom the authorities supposed to be as peaceable as he was industrious. Soon after his arrival, however, he set about forming a secret league among his fellow convicts, of whom his size and strength made him undisputed leader. In June, 1824, while the commandant and surgeon were absent from the settlement, the convicts made a rush for the Government boat, but the officer in charge pushed off before they could seize it. They captured the surgeon, however, who could not reach the boat in time, and some of them were about to flog him, when Brady, whom he had treated kindly, interposed and saved him. The convicts then secured another boat, belonging to the soldiers, and put to sea, in spite of pursuit from the settlement. Nine days afterwards they landed at the Derwent,\* and at once set about an organised plan of bushranging. As leader of the gang, Brady laid down rules for its guidance; they must neither injure the defenceless, nor molest females, but could kill traitors, revenge injuries, and carry away all that was likely to prove useful to them.

About a week after their escape, Governor Arthur issued the following proclamation:—"The Lieutenant-Governor feels it necessary to announce that the party of prisoners who escaped from Macquarie Harbour have again passed into the interior. His Honour begs in the most earnest manner to call upon all settlers in their respective districts to enter with increased zeal

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\* "They seized a boat (9th June, 1824) and reached the Derwent on the 18th, visited the residence of Mr. Mason, whom they beat with great cruelty: they next robbed a servant of Lieutenant Gunn of firearms. Gunn pursued them and captured five, who were tried and hanged along with Pearce."—"Fenton's Hist. of Tas." p. 73.



and determination into measures for the apprehension of these robbers. To the most common understanding, not labouring under the miserable depression of personal danger, means will be presented, after a robbery has been committed, of tracing the movements of the depredators ; and it must be understood to be the positive duty of any settler to spread the information immediately, and to adopt the most prompt and energetic steps for closely pursuing these miscreants until they are fairly hunted down. All Crown servants are to be immediately assembled by their masters, and apprized that the Government expects that every man shall give all possible information as may lead to the apprehension of these bushrangers."

Their first appearance was at Clarence Plains, where they stopped, and robbed a Mr. Patrick Brodie. Almost immediately afterwards they possessed themselves of firearms and ammunition by plundering a man in the service of Lieut. Gunn. Gunn, a retired military officer on half pay, was in Hobart Town at the time, but, on hearing of the robbery, at once set out in pursuit, and captured five of them, who were immediately placed upon their trial, condemned, and hanged.

The rest still continued their depredations. The soldiers could not catch them ; the settlers were helpless, for their convict servants were more likely to join the bushrangers than "split" upon them. Many, in fact, joined the gang, and those who did not join acted as useful confederates and news-carriers.

On one occasion they were near Oatlands, and were recognised by a lad attached to a settler's farm. Brady learnt from him there were at that moment a

number of soldiers in a hut near. "But never mind," said the boy, "we'll beat 'em. Wait a bit—they are tired and hungry; I am getting their supper; when they are feeding you rush them." "But the guns!" exclaimed the leader. "Oh, they are all right in the corner of the hut," replied the boy: "all you have to do is to come softly along when they are at supper, lay hold of the pieces, and the work is done." It was dusk when the traitorous cook carried in the chops and tea. Suddenly a noise was heard at the door; the soldiers looked round, to find they were each covered with a loaded musket. The robbers tied them up, robbed the house, and departed, Brady taking with him the lad, who wanted to join the gang.\*

At one squatter's house they demanded free quarters of the overseer, were well looked after by the convict servants, and went off at last with everything of value. When attempts were made to track them they burned a farmer's three years' store of wool. With every exploit they grew bolder.

Up to this time the reward offered for the capture of this gang was only £10 per head, but strong representation being made to Governor Arthur, he caused the following Government Proclamation to be issued:

Government House, April 14th, 1825.

It has occasioned the Lieutenant-Governor much concern that the continued outrages of the two prisoners, McCabe and Brady, have led to the death of another settler. His Honour has directed that a reward of £25 shall be given for the apprehension of either of these men; and that any prisoner giving such information as may directly lead to their apprehension shall receive a ticket-of-leave, and that

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\* Two settlers later on caught this boy and a mate asleep under a tree, and shot both of them without offering them a chance of escape. For this act the settlers each received a free grant of land from the Governor,

any prisoner apprehending and securing either of them, in addition to the above reward, shall receive a conditional pardon. The magistrates are very pressingly desired to circulate this order and to direct the constables to visit all huts of stock-keepers, shepherds, and others in their respective districts, notifying the rewards offered, and cautioning such persons against receiving, harbouring, or supporting these men, who are charged with the commission of murder. Fifty acres of land, free from restrictions, will be given to the chief constable in whose district either McCabe or Brady is taken, provided it shall be certified by the magistrate of the district that he has zealously exerted himself in the promulgation of this order, and to the adoption of measures for giving it effect.

The magistrates will see the importance of conveying timely information of the movements of McCabe and Brady; and they will consider themselves duly authorised to incur any responsible expense in so doing.

By command of his Honour, the Lieutenant-Governor.

JOHN MONTAGU, Secretary.

Three days after this notice had been circulated, Brady coolly answered it by posting on the door of the Royal Oak Inn at Crossmarch the following:—

Mountain Home, April 20th, 1825.

It has caused Matthew Brady much concern that such a person known as Sir George Arthur is at large. Twenty gallons of rum will be given to any person that will deliver his person unto me. I also caution John Priest that I will hang him for his ill-treatment of Mrs. Blackwell, at Newtown.

M. BRADY.

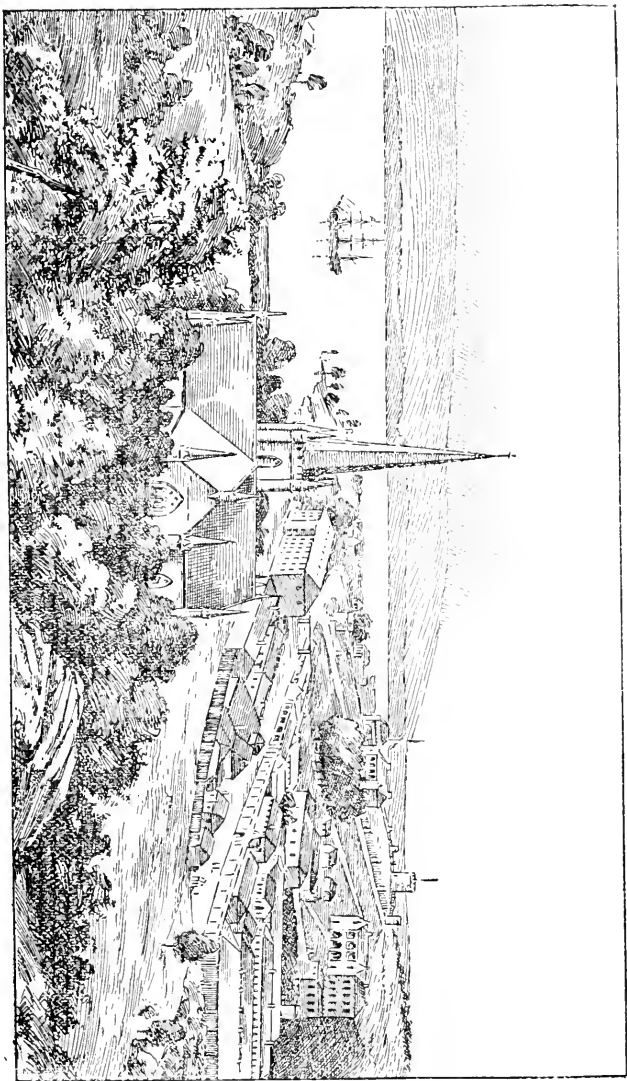
M'Cabe, the colleague mentioned by Governor Arthur, was not much longer at large. For offering violence to a woman Brady shot him through the hand, disarmed and thrashed him, and expelled him finally from the gang. McCabe then began robbing settlers single-handed; but one of his victims escaped and brought the police upon him, and his race was a

very short one. Ten days later the bushranger ended his career upon the scaffold.

One of Brady's boldest exploits was the capture of Sorell Gaol, and release of the prisoners. The gang, eight in number, made a descent upon the Pittwater district, and began by a general plunder. At Bethune's they put up for the night, imprisoning the owner and his servants: and as the next day was wet they stayed on quite calmly. In the evening two visitors arrived, Mr. Walter Bethune and Captain Bunster. Brady rose to the occasion. He called a groom to take their horses, conducted them inside, assured them there was nothing to fear, and ordered dinner for them. During dinner something was said about Brady's giving himself up. He was quite indignant about it. There was not the slightest necessity, he said: the gang was quite at its ease; in case of being hard-pressed they could retire to a mountain farm where they had a stock of flour, with sheep, cattle and horses, and could quietly "lie by" until all danger had passed.

At last conversation flagged, and Brady enlivened it by telling his guests he was about to take the gaol at Sorell. His eighteen captives were tied and marched off with him to the town, about 10 o'clock at night. They reached the gaol most opportunely: the soldiers had been out in the rain all day looking for them, and were just cleaning their guns. There was a rush: the wet guns were easily seized, the inmates of the gaol were freed, the soldiers and the Bethune contingent took their place in the cells. The gaoler ran to fetch the doctor, and the commanding officer, Lieutenant Gunn; but the doctor was caught without trouble,

PORT ARTHUR.





Gunn was shot in the arm, and the two were locked up with Brady's other captives. Then the gang propped a log against the gaol door, dressed it up to look like a sentry, and went off triumphantly into the bush.\*

Of course there was a great stir in Hobart Town. The Governor issued another proclamation, doubled the monetary reward, and added others. The townsfolk were allowed to enrol themselves as special constables.

Soldiers concealed themselves among the luggage on drays, and were driven through lonely paths in the bush in the hope of coming upon Brady or some of his gang. But while he could be seen here, there, and everywhere by the settlers, the anxious troopers could not obtain a sight of him, although they knew he was frequently in the near neighbourhood. One narrow escape from capture is recorded. He had been in the habit of visiting the hut of a confederate of the gang, near Campbelltown, and this confederate at last decided upon betraying him. Brady visited the hut in disguise and unarmed; and, being quite worn out with long fatigue and watching, he threw himself upon the bunk and was soon fast asleep. As soon as his betrayer saw him in the land of dreams he stole away to the town to give information. A couple of soldiers returned with him, and Brady was rudely awakened by their seizure and the pressure of a rope on his wrists. He took things very coolly, and asked for a drink of water; his captors went off together to bring

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\* Gunn was the only person injured in this encounter, and, as his arm had to be taken off, the Government rewarded him with a pension of £70 per annum, and appointed him to the post of Superintendent of the Hobart Town Prisoner's Barracks.

water from the stream (for the night was very dark, and the men afraid to go alone), and in their absence he held his hands over the blazing fire until the rope was so far burned that he could snap it. Thus free he awaited the return of the soldiers, and as soon as they entered he fastened the door upon them, and made his way back to his band. For many days he nursed his wrath against the betrayer. At last they met in the hut of Bill Windsor, of the Cocked Hat Hill, near Launceston, a well-known receiver of stolen goods and friend of the bushrangers. Brady did not settle the score at once: he only said "I'll give you while I have my supper." The man knew that there was no escape, and while others in the hut vainly interceded for his life he indulged in joking. At last Brady rose from his seat, and, gun in hand, called to his betrayer, "Just walk to that tree yonder." The wretched man started to obey the command, but had only taken two or three steps when a ball crashed through his brain.

Yet it cannot be said that the gang were brutal or even savage, and they were most scrupulous in their treatment of females, as even the Hobart Town papers acknowledged. One man, who had asked a servant girl for a kiss, was at once knocked down by his leader, and one of the plundered settlers afterwards said that Brady's first word was "Are there any ladies in this house?" and receiving a reply in the affirmative, he said "Then tell them to get up, and let them dress themselves and go into one room, and no one shall molest them."

Presently the leader of the gang thought they had got enough plunder, and decided to seize a vessel and escape in her from the colony. This design being



frustrated, partly by the treachery of a comrade and partly by bad weather, Brady calmly notified the Commandant at Launceston, "with the bushrangers' compliments," that he proposed to rob Mr. Dry's house (about a mile out of Launceston) and attack the gaol on the same night. The authorities treated this message as a capital joke. But when evening came the parties concerned learned that bushrangers' jokes are rough articles. Mr. Dry's house was duly visited; the family and servants, with some visitors, were secured; some of the gang kept guard, others searched the house for valuables, and Brady entertained the ladies in the parlour with amusing stories, and even a sentimental song to his own accompaniment on the piano. But one of the servants had escaped and given the alarm in the city. Colonel Balfour, with ten soldiers and a few volunteer civilians, hurried to the spot. The bushrangers were made aware of their approach and retired behind a hedge, from which they kept up an active fire. When this suddenly ceased the Colonel, thinking they must have run away, hastened back to town in case the second half of the joke was also serious. An attack, indeed, had been made, but nothing came of it beyond the wounding of the local doctor.

There was another spasm of excitement. Another proclamation was issued by the Governor, and a reward of three hundred guineas, or three hundred acres of land free of quit rent, was offered for the capture of any of the gang; while an offer of free pardon and free passage to England was made to any prisoner of the Crown who should succeed in capturing one of them. The Governor himself took the field in search, and men who had before been indifferent, or friendly

to the bushrangers, also sallied out in hopes of securing the reward. Several desperate conflicts took place between pursuers and pursued, both parties being well armed, and several of the gang were captured and lodged in gaol.

The desire of the settlers for vengeance was very great, and it is on record that a petition signed by fifty prominent citizens was presented to Colonel Arthur, praying that the prisoners might be speedily executed, in order that all fear of their escape from gaol might be removed. Such, indeed, was the condition of society at this time that no less than thirty-seven prisoners were condemned to death at one sitting of the court.

But Brady was still at large, and he did not want for followers. Escaped convicts rallied round him as to a common centre, and every day carried its record of daring deeds. The following extract from the "Van Diemen's Land Annual" furnishes an idea of the systematic course of outrage and plunder that was followed: "On the night of the 5th, the bushrangers set fire and burnt down the stockyard, with all the wheat belonging to Mr. Abraham Walker and Commissary Walker, opposite Mr. Thomas Archer's. The extent of the damage is not yet ascertained. The bushrangers were seen between the punt and Mr. Gibson's stockyard, and on the 6th they sent word to Mr. Massey, on the South Esk, Ben Lomond, that they would hang him and burn his wheat. A great fire was seen in the direction of his house, but it is to be hoped that they have not executed their threat. The bushrangers have Mr. Dry's two white carriage horses with them. They shot Thomas Kenton dead at the punt on the South

Esk; they called him out of his house, and deliberately shot him. Two runaways were last week sent into Launceston from Pressnell's, where they were taken. One of them broke out of gaol, and was met by the bushrangers, who asked him to join them, and on his refusal, they shot him dead. Brady now wears Colonel Balfour's cap, which was knocked off at Dry's. When the bushrangers were going down the Tamar they captured Captain White of the "Duke of York" in his boat; Captain Smith, late of the "Brutus," who was with him, being mistaken for Colonel Balfour, they knocked him down, but discovering their mistake they apologised. They then made Captain White go down upon his knees, and were going to shoot him, but Captain Smith interfered and saved his life, on representing to them the misery it would inflict on his children. During the night Captains Smith and White were allowed to depart, and they made the best of their way to Launceston, where they gave the necessary information; but unfortunately it was too late, the bushrangers having crossed the river and proceeded to commit the dreadful enormities before stated."

Gradually, however, the band was scattered, and pursuit was concentrated on Brady himself. Once he was shot in the ankle, but still evaded capture. At last John Batman, hereafter to be known from his exploits in the Black War, and still more famous for his settlement of Port Phillip, set himself to hunt the bushranger down among the contorted gullies of the Western Tiers. His search was successful. One day he espied a man of dejected, care-worn aspect, slowly limping along through the bush with the aid of a cut sapling, and evidently in great pain. Suddenly the

man caught sight of Batman, and at once the stick was thrown aside and his gun was at his shoulder. With finger on the trigger Brady called out "Are you a soldier officer?"—for soldiers were his abhorrence, and Batman was wearing a frock coat and foraging cap. "I'm no soldier, Brady," was the reply; "I'm John Batman; surrender, there is no chance for you." For a moment or two Brady communed with himself, and then said "You are right, Batman; my time is come; I will yield to you because you are a brave man."

It was natural that his capture should be received with demonstrations of joy by the populace. Yet, strange to say, hundreds of persons, including ladies, openly expressed sympathy with him, some of the latter freely shedding tears at the recital of the sufferings of the "poor man" whose chivalrous treatment of all females was one of the distinguishing characteristics of his career in the bush. He was taken to Hobart Town in company with a notorious scoundrel named Jeffries, and was very indignant at being made to keep company with such a "low character." Conviction followed trial, and he was sentenced to death. "Yet," says Bonwick, "petition followed petition for his deliverance from the halter. Settlers told of his forbearance, and ladies of his kindness. His cell was besieged with visitors, and his table was loaded with presents. Baskets of fruit, bouquets of flowers, and dishes of confectionery prepared by his fair admirers, were tendered in abundance to the gaoler for his distinguished captive. The last moment came. The dramatic scene was maintained to its close. Pinioned, he stood on the scaffold before a dense mass of spec-

tators, who cheered him for his courage, or grieved bitterly for his fate. He received the consolations of the Roman Catholic faith; he bade a familiar adieu to the gentlemen about him, and he died more like a patient martyr than a felon murderer."

### BRITTON'S GANG.

During 1832-3 four escaped convicts, Beaven, Britton, Jefkins and Brown, kept the country side in terror. Beaven was a native of the Hunter, in New South Wales, and had been transported to Van Diemen's Land for horse-stealing. Britton was a convict from the old country, his offence being smuggling; but during the affray in which he was captured he saved the life of one of the coast-guards, who had been knocked overboard, and the sentence of death passed upon him was on that account commuted to penal servitude for life. After several assignments to settlers, during which he made a very bad name for himself, he took the bush with Beaven, who had absconded from the Cataract Hill gaol gang.

Before the two men had been out very long they killed Mr. Bartlett and his servant at the Supply Mill. The murder was discovered by a Mr. Cathcart, from whom the police received information, while a clerk in the Commissariat Department named Wilson went to bring Mrs. Bartlett away from the scene of the murder. On his way he saw and shot a large mastiff belonging to Beaven, and for that act the bushranger posted notices in public places that he would shoot Wilson in return. Later on, indeed, the gang (now including another escapee, Jefkins) stuck up Neale's

farm in the hope of finding Wilson there on official work: failing to discover him they ransacked the place and tried to extort information about him from the overseer, whom they threatened to shoot. In the end they spared the man and made off.

On this visit they had a woman with them whom they had taken from the Female Factory in George Town, after shooting the gatekeeper, an old man of 60. She appropriated some of the overseer's clothes and afterwards accompanied the gang in man's attire.

In the "Government Gazette" of May, 1832, the following rewards were offered:—£250 and 500 acres of land for the apprehension of Britton, dead or alive; £200 and 500 acres of land for Beaven; £150 and 250 acres of land for Jefkins; or to any prisoner of the Crown a free pardon, his passage paid to England, and £200. Hearing of these rewards, and knowing something of the outlaws and the country where they "ranged," a prisoner named Hall, volunteered either to kill or capture them, and the authorities accepted his services. He was thereupon allowed to go into the bush, and at once joined the gang, who were pleased to receive an old "mate" and admit him into their circle. They then planned a robbery, and while Britton and Jefkins went to reconnoitre, Hall stayed with Beaven to watch the road. The two men were standing together when suddenly Hall placed his gun close to Beaven's head and fired. The shot was fatal, the back part of the bushranger's skull being nearly blown off, and the man fell dead.

Hall rushed off to give information to the police, who returned with him to the spot and removed the body. An inquest was subsequently held and a ver-

dict of "justifiable homicide" was returned. Upon Hall's return he informed the police that an assigned servant in the town, named Brown, had been assisting the bushrangers; but when search was made for this man it was discovered that he had joined Britton and Jefkins in the bush.

Hall then set out with the police in pursuit of the two remaining members of the gang, and knowing the country he was able in a short time to drive them from their haunts. The unfortunate woman whom they had taken from the factory was discovered alone in one of the gullies, the bushrangers having left her behind in their flight. The search was continued for several weeks without success, and it was generally believed that all three criminals had escaped from the colony. Hall received the reward from Government, and obtained an appointment in the Sheriff's office, which he held for many years, after which he left the colony.

The bushrangers had not gone. In April, 1833, they appeared on the Tamar, plundering right and left. In October they became more daring. Lieutenant Vaughan, Mr. Henty, of Landfall, and a neighbouring hotelkeeper were all visited and robbed with much audacity. Having shot a constable during this last raid, the idea occurred to them of pretending to be constables looking for themselves, and in this guise they plundered the George Inn at Georgetown. The Launceston press waxed indignant: rewards were again offered for their capture, and increased: the police were doubly active: but all to no purpose. Their hunting through the bush was fruitless, although on one occasion they came across a boat which the bush-

rangers had only just left, and apparently in haste, as though closely pressed; for in it were found some bedding, a couple of guns, and some provisions—the boat having been hauled up a small creek that runs into the Tamar.

On New Year's morning, 1835, the pilot on the river conveyed some information to the police at George Town which set them in active motion. He had been looking through his glass and had observed three men on the western beach, who he at first thought must be excursionists or a hunting party; but closer observation led him to the conclusion that they were either police or bushrangers. The chief district constable and three others at once set out for Kelso Bay, where the men had been seen, and on the road met a shepherd who informed them that at midday he had seen three men with heavy knapsacks and fire-arms crossing the Badger. Camping on the road that night the constable picked up the tracks on the following morning on the beach, and from their freshness it was decided that the men could not be far off. Resting on this discovery, the party leisurely breakfasted, and then followed the tracks to the edge of the bush. But here they were confronted by Britton, who stepped out about sixty yards from them, challenged Constable Smith (who happened to have come to the colony in the same ship with him), and at once fired. The fire was returned with interest by the police, when Britton dropped on one knee as though to shelter himself behind a bush. Smith wanted to advance; the chief constable, urging that it would be an unnecessary exposure of life, ordered a retreat, saying he would get reinforcements and resume the pursuit next



day. Accordingly eight constables were told off next day to follow the runaways, but, as might be expected, the game had disappeared.

About three weeks after this Brown and Jefkins made their appearance at a limeburner's hut at Port Sorell. They were emaciated, and declared they were starving, having had no water for three days and nothing to eat for five days but a parrot and a cockatoo. They had pieces of blanket and leather tied about their feet instead of shoes, while Brown had a grey jacket drawn on instead of trousers and Jefkins had pieces of blanket sewn around him. They tied their host up, and camped with him for the night, but while moving across to a bark-chopper's hut the next morning they were surprised by the police. Brown shot a constable (Britton's enemy, Smith), and was himself shot in the shoulder. Jefkins ran up to his help, calling out to his opponents "Come on, there's enough of you to eat me." He fired two shots harmlessly, and was then hit in the head.

Brown was taken with the two dead bodies to George Town, but he did not long survive. As for Britton, no more was ever heard of him. Brown before death owned that he (Britton) had been hit in the first fight, and had been left behind in the bush with a badly-injured leg while the other two went in search of food.

The remains of Constable Smith were honoured with a public funeral at which the whole of the police and military attended. The others who were with him at the time of the skirmish received the rewards that had been offered for the capture of Jefkins and Brown, and one unfortunate constable, who had been very

active in the pursuit, but had been sent on other duties on the day the capture was made, took the loss of the reward so much to heart that he shot himself in the stomach and died instantly. He was a prisoner constable, and doubtless hungered for the free pardon and passage "home" which would have been his portion of the reward had he been present at the time of the capture.

## CHAPTER III.

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### TASMANIAN GANGS.—(Continued.)

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#### CASH, KAVANAGH AND JONES.

Among the more notorious of the Van Diemen's Land convict bushrangers of later days was Martin Cash, who, first singly, and then in association with Kavanagh and Jones, committed many depredations among the small settlers during 1843, and some time previous.

Cash was born in County Wexford, Ireland, and in 1827, at the age of about 18 years, was transported to Botany Bay for seven years for a deliberate attempt to murder a rival of whom he was jealous. He was well connected, and strenuous efforts were made by his wealthy friends and relatives to obtain a mitigation of the sentence, but without avail. He reached Sydney in February, 1828 (by the "Marquis of Huntley"), and was soon assigned to Mr. Bowman, of Richmond, who presently placed him on a cattle station in the Hunter district between Denman and Merriwa. By steady service in a responsible position he won favour from his master, and in due time obtained a ticket-of-leave, which enabled him to engage with another stock-owner as overseer at £20 per year. Gaining his freedom by similar good conduct, he determined to

settle down on his own account; but here, after nine years of quiet, his troubles began. One morning he was innocently branding cattle for an acquaintance when two strangers rode up, watched the operation, and again rode away; after which his friend informed him the cattle were stolen beasts and the men who had ridden away would certainly report what they had seen. This alarmed Cash considerably. "Norfolk Island for life" was the punishment for illegally branding, and he made up his mind to leave the colony as quickly as possible. He took with him a woman whom he had some time before induced to leave her husband (for convenience we will call her Mrs. Cash in future), and, leaving her at Mudgee, set off to collect for sale some cattle of his own from a distant Namoi station. His treacherous friend of the branding episode had, however, sold these behind his back. Cash accordingly recouped himself from his friend's herd, sold the animals on his way back to Mudgee, picked up Mrs. Cash there, and struck southwards to Bathurst. His account of his stay there is an interesting contribution to the social history of the time.

"On our entrance I noticed two gentlemen on the verandah, one of whom proved to be the landlord. We had not been long in the sitting-room before we heard a knock at the door, a policeman making his appearance immediately after, who at once requested to know what I was (meaning if I was free or bond). I answered that I was a free man. He next asked if I had anything to show for it. On this I produced my certificate of freedom, which satisfied him at once. I treated him to a glass of brandy, after which he excused himself by saying that one of the men who was

standing in the verandah was no other than the district constable (Mr. Jones) who instructed him to make the before-mentioned inquiries.

“On the following morning I presented one of the £5 cheques which I received from ‘Gentleman Jones’



MARTIN CASH.

(who had purchased the cattle on the Namoi) in payment of my bill. The landlord, after examining it for some time, returned me the change, and having remained that day and the next, I changed the other £5 cheque also, and on finding that the landlord kept a general store, I purchased wearing apparel and other

necessaries to the extent of £50, presenting a £150 cheque in payment. He examined this with greater minuteness than the others, wishing to be informed how it was that there appeared to be two different handwritings on the face of the cheques, observing that the amount on all the cheques which I had presented was evidently filled in by a lady. I accounted for this by telling him that the lady who filled up the cheques resided with 'Gentleman Jones,' but in what relation she stood to that gentleman I could not attempt to say. Not appearing to be satisfied with this explanation, he observed that if I wished he would send it to the bank, but I would not agree to this, telling him that I knew where I could get it cashed in a moment. He then suggested that as there happened to be a son-in-law of 'Gentleman Jones's' (a Mr. —) keeping a public house at Gorman's Hill, within one mile from Bathurst, he would send for him if I had no objection, and if that gentleman vouched for the correctness of the cheque, he would cash it in a moment. To this I consented, and in the course of an hour Mr. — arrived, and at once pronounced the cheque genuine. He therefore gave me a written order on the Bank at Maitland, on presenting which the cashier commenced counting the notes. I told him that as I did not believe they were current in all parts of the colony, I preferred gold, but I had to take it in silver, and my companion indulged in a laugh on seeing the bag that contained it."

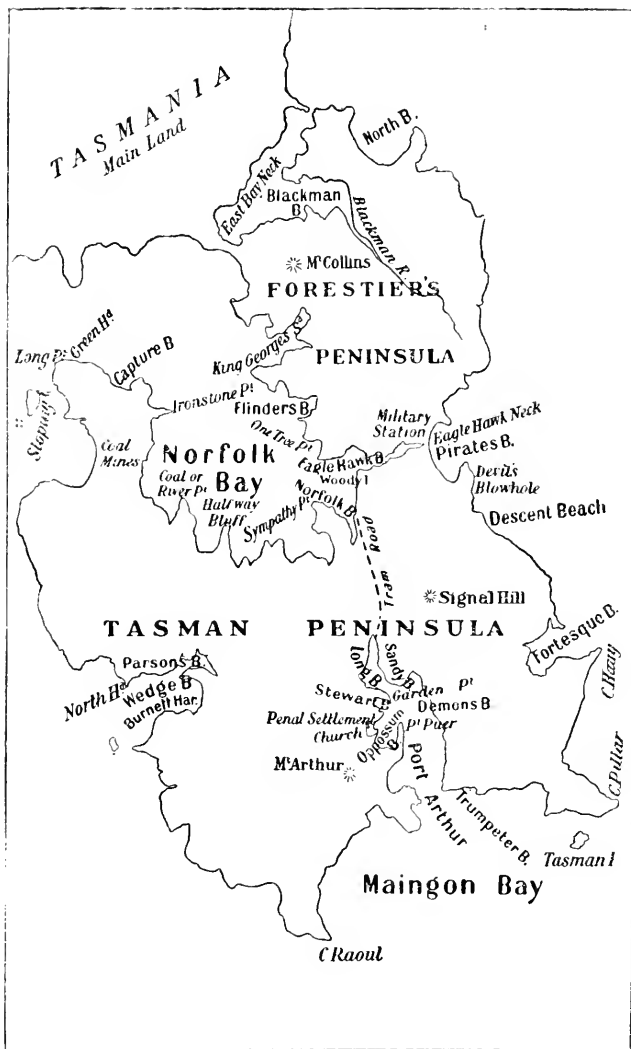
From Bathurst Cash made for Goulburn, and soon got an engagement as dairyman under Captain Sturt, the famous explorer, on his Mittagong station: but quarrels with a new overseer forced him to throw up

this job, and he started for Sydney with a view of taking ship to Hobart Town. Near Camden he narrowly escaped arrest by knocking down the constable who stopped him, but reaching Sydney in safety he secured passages to Hobart Town (£20 for himself and Mrs. Cash, £5, exclusive of fodder, for his horse), and arrived in the island early in 1837.

Within twelve months of setting foot in Van Diemen's Land Cash's troubles commenced. On two occasions he was wrongfully charged with theft; and, although the first case against him broke down, he had beaten the arresting constables so badly that he became a "marked man." When brought up on the second occasion he was convicted and sentenced to seven years' transportation to one of the penal settlements, some distance from Hobart Town. But he had not been there more than a day when he effected his escape, having been sent out with a road-making party to draw stones in a handcart. Choosing a suitable spot and a favourable opportunity, he slipped away from his companions and hid in the bush until darkness had set in, when he started on his way back to Campbell Town, where he had left the disconsolate Mrs. Cash. During the night he stealthily entered the kitchen of a settler, appropriated a quantity of provisions, and pursued his journey until daylight, when, turning off into the bush, he was in the act of cooking some of the victuals at a fire he had kindled, when he was pounced upon by three soldiers and retaken. For thus escaping he was subsequently brought before the Police Magistrate at Oatlands, and received an additional sentence of nine months' hard labour in a chain gang, and nine months in a road party.

While in gaol awaiting transit, Cash formed the acquaintance of a fellow convict, to whom he unfolded a plan of escape; but the expected opportunity did not present itself until some time after he had arrived at his destination, and as his custodians had received a report concerning his previous attempt at flight, he was subjected to stricter surveillance than the other prisoners. For greater security he was leg-ironed with a pair of seven pound cross irons, and placed in a barrack, surrounded by a stockade twelve feet high. But he was equal to the emergency. Although within sight and hearing of a gang of billeted hands, who were working in the yard, he seized his opportunity, procured a goodly sized stone, and resting the centre ring connecting his leg irons upon another stone, struck and broke it, thus disconnecting the irons, although each leg still retained its separate adornment. Fastening the chains about each leg beneath the knee, he was prepared for action. The fitting moment arrived when the billeted gang left the yard for "grub," and seizing two night tubs that were lying near he placed them end on end and mounting managed from this perch to spring and catch the top of the palisade with his hands and drag himself over into the public thoroughfare. It was past 3 o'clock, and midwinter, so nobody observed his descent into the street, and walking quietly away he gained the bush, where he hid until darkness had set in. Late at night he broke into a mill and obtained a supply of provisions, then walking on till dawn, when he camped in the scrub and spent the day getting rid of his irons. Near Springhill he stole a good outfit of clothes, abandoning his prison suit, and so was able to make his way less





PORT ARTHUR AND THE TWO NECKS.



cautiously to Mrs. Cash, at Campbelltown. They determined to leave Tasmania for Melbourne as soon as might be: and, with a view to raising the necessary cash, betook themselves to the Huon, having many narrow escapes by the way.

In this district Cash and his escapades were unknown, and after a steady year's work the money was saved. But Justice was not to be baulked so easily of its prey. They were detained a day or two in Hobart. Cash was recognised, seized by six constables, and again lodged in prison. Tried on the charge of absconding, his twelve months' honest work was put down to "cleverness." "But," said the presiding magistrate, the well-known John Price, "you will not best me, Martin" and he got two years added to his original sentence, and four years at Port Arthur besides.

What Port Arthur meant will be known to all readers of Marcus Clarke. Cash, however, was comparatively well off; he was strong and able to do all the log-lifting imposed upon him, and so did not come under the displeasure of the brutal overseers and sub-overseers.

Still, he determined to escape—not immediately, for it was midwinter—and took every opportunity of learning the bearings of the land; particularly he marked Eagle Hawk and East Bay Necks, the two strips which must be crossed in order to reach the main land, and which were guarded by armed sentries and chained bloodhounds posted at equal distances along them. But his movements were accelerated by the harsh treatment of a sub-overseer; he knocked the man down, threw him over a steep bank into Long

Bay, and made a start for liberty. After a night and a day in the bush he swam the inlet at Eagle Hawk Neck, but lost his way soon after, and five days after bolting was captured, half starved, within a mile of the second Neck. When brought before the commandant, O'H—a B—h, he escaped the lash by assuming a very penitent attitude, but was sentenced to eighteen months' hard labour in chains, and sent to work in a stone quarry with other ironed prisoners. Here he met with two men, Kavanagh and Jones, who had been transported for robbery under arms, committed near Sydney; and the three plotted a scheme for simultaneous flight. These new comrades of his relied greatly upon the man who had already proved his ability as an absconder, and said they would trust implicitly in his guidance when once they set foot upon the road to liberty.

On the afternoon of Boxing Day Cash, who was one of a gang that drew the stone carts, walked across the quarry and looked steadily at his two mates. At once they dropped their picks and sprang into the scrub, followed by Cash himself. Almost as soon as they started their absence was discovered by the sentries; a hue and cry was at once raised, and the rest of the gang placed under strict guard, while as many soldiers as could be spared set about searching for the runaways; the semaphore signals were also kept in full play, so as to put all the sentries on their guard. Having picked up a bundle containing some provisions, which had been placed conveniently for them by one of the cooks on the settlement who had been let into the secret, the trio made their way through the scrub to the foot of Mount Arthur. Here they hid for three

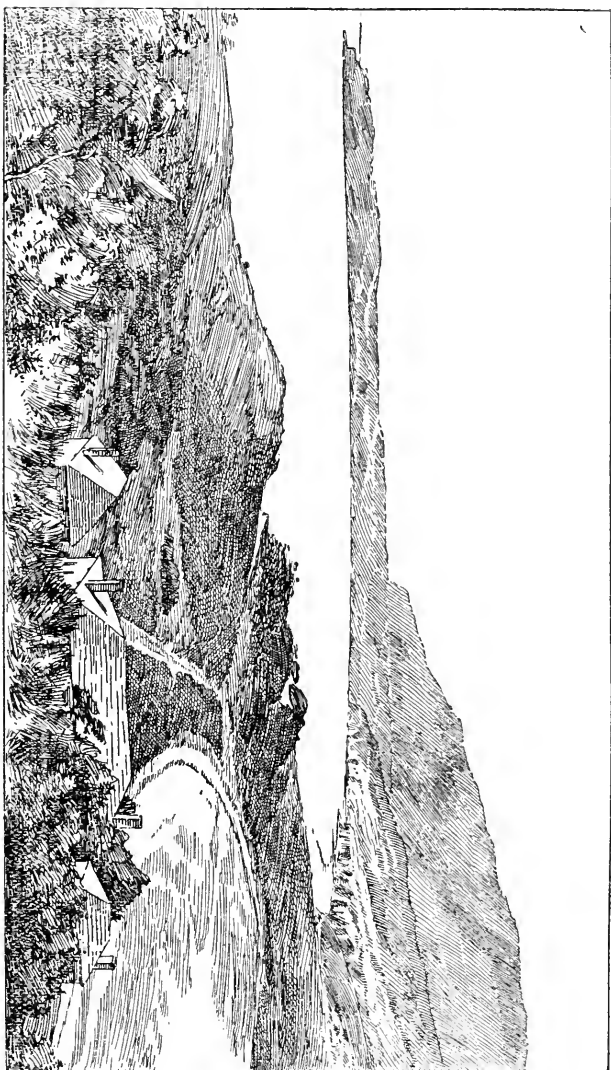
days, hoping that by that time the sentries at the Neck would have relaxed their vigilance. On the third night they left their hiding place, and worked their way northwards through the scrub, often on hands and knees for a mile at a time, till their clothes were torn to shreds. At dusk next day they came in sight of Eagle Hawk Neck, and saw that the line was literally swarming with constables and prisoners. They lay concealed for three hours waiting for the coast to become clear, and then, with some trouble, swam the inlet, as Cash had done before, but when they reached the further side each one was stark naked, the clothes having been washed from their heads by the waves which had buffeted them in crossing.

Travelling without boots over rugged ironstone ridges and forging through prickly scrub without clothing to protect the body, were not pleasant exercises. Cash, therefore, led his mates to a roadside hut which he had noted on his last bolt, and fortunately reached it when the soldiers and prisoners were absent, except one man, who acted as cook. They made a simultaneous rush, Kavanagh arming himself with an axe which was standing at the door; the cook, seeing three naked men enter, completely lost his head, and before he could recover his senses was seized and securely lashed to one of the centre posts of the hut. They then helped themselves to clothes, of which there was an abundance, belonging to the prisoners who were away at work, as well as to a quantity of flour, beef, tea, sugar, and a flint and tinder box, and departed.

Knowing that this last enterprise would give their pursuers a clue to their whereabouts, and that a double

watch would therefore be kept at East Bay Neck, they decided to conceal themselves for three or four days. During this time they had a very narrow escape from re-capture, as a party of soldiers passed within a few feet of the spot where they lay concealed; and a little later on they nearly walked into the camp of one of the parties in pursuit. Creeping towards the neck, however, on the third day and hiding in the bush until nearly midnight, when only a few sentries remained on duty, they took off their boots, crawled past one of the sentry boxes, and got over the line into a paddock of wheat on the other side, through which they again crawled to the dense bush beyond. At last they breathed freely. "If I had a crown of gold," said Jones to Cash, "I would give it to you." "A little of it in my pocket would be more useful," said Cash, sardonically. Then for three hours they skirted the bay—on the right side of it now—and at the first halt, dropped sound asleep till long after sunrise.

Next day when Kavanagh put the question what was to be done, Jones answered, "Take up arms and stand no repairs," and to this they all agreed, though the decision meant certain death if they were ever caught. Their next move, therefore, was towards the more settled districts in the valley of the Derwent. At Pittwater they obtained provender from a hut, and proceeded towards Jerusalem, securing on their way a couple of guns, with ammunition, and some decent clothes. At Jerusalem a third gun and more provisions were obtained, and a complete outfit of clothes for each of them at the Bagdad publichouse. Still making westward, they stuck up a farmer's house at Broadmarsh, and then camped for a few days to pre-



EAGLE HAWK NECK.





pare for more serious business. They now decided to attack the Woolpack Inn, about ten miles from New Norfolk; but before reaching the place they fell in with a convict shepherd who told them that they would encounter an armed party at the inn, as a party of constables were stationed there. To this Cash replied that an encounter would suit them very well, as it would give them an opportunity of proving their arms.

Having planted their swag about a quarter of a mile away, they took the nearest road to the inn, and immediately "bailed up" the landlady, her two sons, and three men who were drinking there. While dealing with them people were seen moving outside; these proved to be the advancing party of constables, who had been made aware of the presence of the three desperadoes. The latter at once marched outside the house, Cash taking the lead. The leader of the party challenged Cash to stand. He stood, but only to take surer aim, and the challenger fell. There was an exchange of shots, but the darkness prevented any proper aim, and no damage was done on either side. Kavanagh and Jones now retired without acquainting their leader of the fact, and when he turned to speak to them he found that he was alone. He then retreated to the house, the constables apparently not caring to follow, and having secured a keg of brandy got out into the darkness and started for the spot where the swag had been left. Here he found his two companions; and after holding a "council of war," and testing the quality of the brandy, the gang retraced their steps to the Dromedary. Three days later, after pillaging a farmhouse for provisions, they reached the

house of an old acquaintance of Cash's, who entertained them on the best and promised to take a message to the town for Mrs. Cash, who was residing there. On the way they learned that two of the constables had been seriously wounded by their fire, but not fatally.

Next morning the promise was fulfilled and Mrs. Cash joined the party, who had in the meantime made a kind of fortress of logs for themselves on the top of the Dromedary. For three days they remained quiet, and then set out to make a raid upon a large establishment owned by a Mr. Shone. On the way they fell in with a friend of the family, whom they compelled to go with them, and having obtained entrance to the house (the door having been opened to the voice of their prisoner) they immediately ordered the occupants, among whom were some ladies, to sit upon the floor. Six or seven working hands belonging to the establishment were also brought up from an outhouse to keep the owner and his family company, and two young ladies and three gentlemen who drove up in a vehicle on a visit were also, much to their surprise, placed "under cover" with the other prisoners. Kavanagh kept guard over the imprisoned company while Jones ransacked the house—"it being understood," says Cash, "that the professional process exclusively belonged to him"—and Cash watched outside. Before the bushrangers left the ladies and gentlemen in the room were relieved of their watches, jewellery, and purses; but the young ladies were not at all alarmed, having heard that Cash and his mates were very considerate in their treatment of the "weaker vessels" who chanced to fall into their hands, and being now in a

position to personally test the accuracy of the report. Taking a respectful leave of their victims the bush-rangers marched off, carrying their booty to what they termed their fortress. They literally loaded Mrs. Cash with silk dresses and jewellery from the store which they had so readily acquired.

For three days the party remained at the fortress, and then learned that a detachment of H.M. 51st King's Own Light Infantry under Major Ainsworth were scouring the bush in search of them. They then decided to remain in hiding for a few days longer; and in order that Mrs. Cash might not be exposed to danger in case of an attack they escorted her part of the way into the town and then left her. But the police were on the watch, and she had not been long in town before she was arrested on a charge of receiving stolen property, some of the articles belonging to Mrs. Shone being found in her possession.

Meanwhile the outlaws were not idle. They found shelter for a time at the house they had visited before, and from here they made two or three sorties upon residents in the district. One of the places "stuck up" by them was Mr. Hodgkinson's, that gentleman being at home with his wife and daughter (described by Cash as "a very pretty young woman about eighteen years of age") at the time. Before searching the premises they tied the old gentleman, although they admitted afterwards that there was more need really to tie the old lady, who persistently endeavoured to get out of the house, the while giving the robbers "the length of her tongue." At the request of Miss Hodgkinson they set her father at liberty, but this did not satisfy the mother, who made attacks upon Cash, and when

the three were leaving she followed them and kept screaming after them until they were clear out of sight of the farm.

A few days afterwards they attacked the residence of Mr. Charles Kerr, in the Hamilton district. On the morning of their arrival they secured two of Mr. Kerr's shepherds, who gave them the necessary information concerning their master's premises, number of hands in his employ, together with similar information concerning other neighbouring settlers. Going up to the house with these two men about dusk they were met by a young lady, who immediately ran back crying "Here are the bushrangers," and then fainted. Leaving Kavanagh in charge of the men in the kitchen, Cash repaired to the drawing-room where he found Mrs. Kerr and the young lady, whom he urged not to be alarmed, as they should not be subjected to any insult. At Cash's request Mrs. Kerr pointed out the men's hut, and Cash and Kavanagh went there to find Mr. Kerr and three working hands. Kavanagh ordered one of the men to tie the others, but not liking the manner in which he performed his work he did the tying business over again himself, having to threaten Mr. Kerr before he would submit to the indignity. When the whole of the occupants had been placed in one room, the robbers released Mr. Kerr and permitted him to sit down in the room, and Jones, having produced writing materials, wrote the following letter to his Excellency the Governor:—

"Messrs. Cash and Co. beg to notify his Excellency Sir John Franklin and his satellites that a very respectable person named Mrs. Cash is now falsely imprisoned in Hobart Town, and if the said Mrs. Cash is

not released forthwith, and properly remunerated, we will, in the first instance, visit Government House, and beginning with Sir John, administer a wholesome lesson in the shape of a sound flogging; after which we will pay the same currency to all his followers.

"Given under our hands, this day, at the residence of Mr. Kerr, of Dunrobin.

"CASH

"KAVANAGH

"JONES.

"His Excellency the Governor."

It thus appeared that the gang had become aware of the fact of Mrs. Cash's arrest. At the same time they wrote and signed the following note to Mr. Shone:—"Understanding through the public press that Mrs. Cash is in custody for some things you have sworn to, we hereby give you notice that if you prosecute Mrs. Cash we will come and burn you and all you have to the ground." These letters Jones read to the imprisoned company, and then the gang gathered up the valuables in the house and took their departure. Mr. Kerr urging them to give up their evil ways, and offering to intercede on their behalf with the Governor; but they replied that they thought their letter would be a powerful appeal on their behalf, and Mr. Kerr's kindly offer in this direction was politely declined. They left the letters with him, however, to be forwarded to their destination.

Two more attacks on stations in the Hamilton district brought them in so much spoil that they determined to rest awhile at their friend's house under the Dromedary, where they had an old Irish fiddle: to play to them.

Meanwhile the police were actively searching for them, but without success. In addition to a pecuniary reward offered for the apprehension of the outlaws, the Governor offered a free pardon and a free passage from the colony to any convict who might be instrumental in their capture. The state of alarm into which the community had been thrown was great. Even the officials not actively engaged in the hunt were in fear, as may be gathered from the following paragraph which appeared in the Hobart Town "Advertiser":—"So universal has been the panic among the police that the acting police magistrate, living in one of the most populous towns in the country and at a distance of several miles from the scene of their depredations, has actually applied for a military force for his own particular protection, fancying, as he alleges, that he may be carried off and obliged to pay ransom." The same paper, of a later date, contained the following:—"The perfect insufficiency of the police to apprehend Cash and his troupe is at length acknowledged, after some months' unavailing efforts. The military have been in consequence ordered to their assistance. Thirty-nine men, under the command of Lieutenant Doreton and Mr. Stephenson, have been ordered to occupy several posts in the district which has been the scene of their daring exploits. Here, stationed at different points, they may intercept them in their progress when necessity compels them to leave their haunts, which the knowledge of the locality renders secure while they choose to remain in seclusion. We have no doubt that these measures will prove successful."

While this arrangement was being made the gang were contemplating an attack upon Mr. Edol's estab-

# BRITISH ARMY FIFTY SOVEREIGNS, and a conditional Pardon.

**WHEREAS** the three Convicts (Runaways from Port Arthur) **MARTIN CASEI, GEORGE JONES, and LAWRENCE KAVENAGH**, whose descriptions are as under, stand charged with having committed divers Capital Felonies, and are now illegally at large: This is to give Notice, that I am authorised by His Excellency the Lieutenant-Governor to offer a Reward of Fifty Sovereigns to any person or persons who shall apprehend or cause to be apprehended and lodged in safe custody either of the said Felons; and should this service be performed by a Convict, then, in addition to such pecuniary Reward, a **CONDITIONAL PARDON**.

19th January, 1843.

## DESCRIPTION OF THE ABOVE-NAMED CONVICTS.

**WM. MORRISTOWN,**  
Chief Police Magistrate.

*Martin Casei*, per Francis Freezing, tried at Luncheonston Q. S., 24th March 1840, 7 years, labourer, 6 feet, age 33, native place Wexford, complexion very ruddy, head small and round, hair curly and carroty, whiskers red small, forehead low, eyebrows red, eyes blue small, mouth large, chin small. Remarks—remarkably long feet, a very swift runner.

*Lawrence Kavenagh*, per Maran Watson, tried at Sydney, 12th April 1842, life, storeman, 5 feet 10½, age 30, complexion pale, head long large, hair brown to grey, whiskers brown, visage long, forehead high, eyebrows brown, eyes light grey, nose long and sharp, mouth and chin medium size, native place Wicklow. Remarks—A. D. above elbow joint left arm, 2 scars on palm of left hand, lost little finger on right hand.

*George Jones*, per Maran Watson, tried at Sydney, 14th April 1842, life, labourer, 5 feet 7, age 27, complexion ruddy fair, freckled, head long, hair brown, whiskers brown, visage long, forehead perpendicular, eyebrows brown, eyes black, nose medium, mouth medium, chin pointed, native place Westminster. Remarks—H. W. anchor on right arm, breast hairy.





lishment, at the Bluff. They had heard that a party of soldiers and police were stationed at the place and appeared desirous of putting the prowess and bravery of the detachment to the proof. Accordingly they watched the place for some time and having (after the plan usually adopted by them) intercepted one of the men servants and obtained from his not unwilling lips a full account of the strength of the inmates, they made arrangements for the descent, taking the man with them as a guide, and threatening him that if they did not find his story true in every particular they would "send him to sleep with a bullet in his brain." The man told them that the first obstruction they would meet with on the premises would be a very savage dog; and sure enough, as soon as they entered the gate a large mastiff flew at them. Cash met the savage animal, and as it sprang open-mouthed at him, he drew a pistol from his belt and rammed the muzzle down its throat, at the same time pulling the trigger. The dog fell dead at his feet. The members of the gang were in momentary expectation of being fired upon from the house, and they made a rush at once for the verandah. Knocking at the door of a room in which they observed a light and receiving no answer, they together burst the door open and entered the room to find Mr. Edols and his two nephews (young men) sitting there with the ladies of the household, in a great state of alarm. On looking behind the door Kavanagh found three stand of arms all loaded with ball, and subsequently Mr. Edols was found to have about his person a pair of duelling pistols. After twitting their victims with their want of pluck, the gang broke the firearms, being afraid to discharge

them on account of the noise they would make, and proceeded to help themselves; then bidding the ladies good night they left the place, and retired to their "fortress."

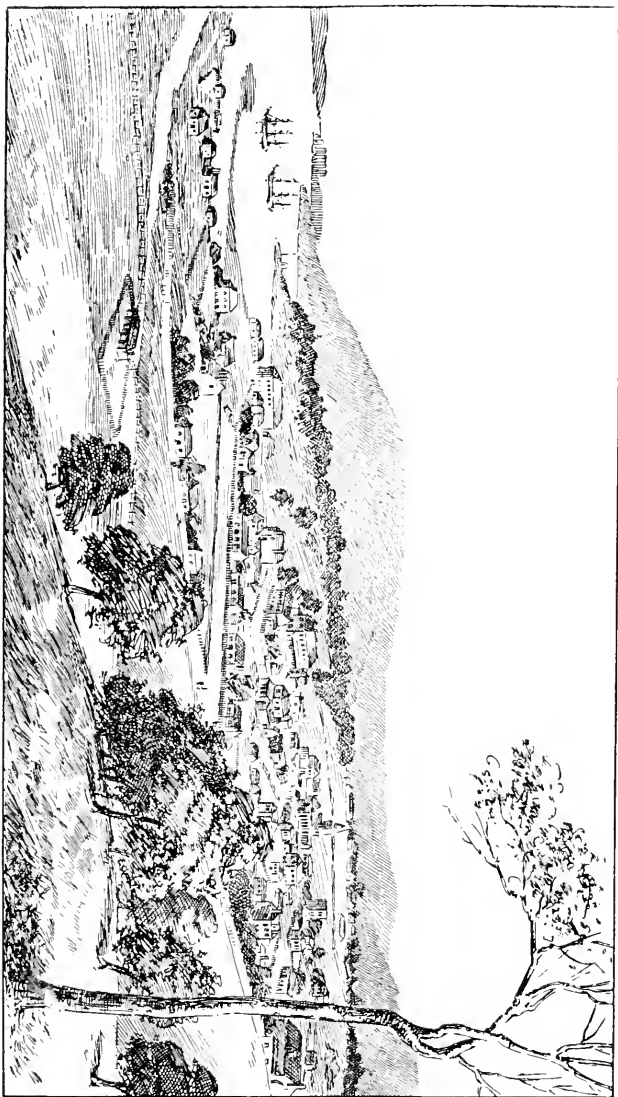
They now struck northwards across Constitution Hill, but in a few days grew tired of idleness—though Cash seemed to have enlivened things with a discourse on the vanity of human wishes, which made Jones declare that mouths were made for eating, not for jabber. Presently they came into open collision with a magistrate in the bush. Just before this Cash had coolly walked into a public house bar in Greenponds, at which several persons were drinking and purchased two bottles of rum; but although the inmates eyed him suspiciously, and a constable looked in at the door, he was not recognised, and an hour afterwards he had rejoined his companions and was rehearsing the scene to them. The magistrate, whose name was Clark, was riding towards his residence, having as a follower one of his assigned servants, armed, but on foot; and as soon as they came near the party Kavanagh ordered the man to drop his gun, which command was promptly obeyed, and master and man were then detained by the gang and compelled to accompany them to an adjoining farm, which they were about to "stick up"; Cash observing to the magistrate that he would give him a lesson in the art of robbing and then set him at liberty. On the road they met two other men, who were also compelled to go with them. They found the premises (Allardyce's) in charge of an overseer, whom they at once secured, together with the workmen, and having driven them all into a room with the other inmates of the house, they proceeded to

ransack the place. Before they left Clark requested Cash to allow him to go to the Governor and sue for terms, but the outlaw declined, saying that when Sir John had them in custody he might dispose of them as he thought fit, but that while they lived they would not ask any favour at his hands.

Having replenished their store of provisions the gang made for the Shannon, and for about a fortnight their chief pastime was firing at targets marked on the trees; Cash declared that he "seldom failed to place a bullet in the circle at a distance of 180 yards and further." Soon the party were ready for fresh exploits; and so we find them creating a sensation near Lake Echo, "sticking up" the settlers, and even making a successful raid upon the establishment of Captain McKay, who was renowned as a very determined soldier, and a vigilant hunter of escaped criminals. As usual they first visited one of the huts and obtained from a shepherd full particulars of the place and the habits of "the master," and then took the man with them to prevent him raising an alarm. On the way to the house, they fell in with a settler named Gellibrand, whom they also took along, making him go forward and gain entrance for them. Captain McKay and his servants were speedily placed under guard, and the gang set to work to "entertain" them, liberally handing round spirits and tobacco among the assigned servants, who were strangers to such luxuries; when McKay protested he was reminded that he was not now in command—"We're in charge now," said Kavanagh, "and I'll shoot the first man who leaves off smoking." Having "looted" the house they loaded two of Mr. McKay's horses with the booty and marched their

prisoners to Mr. Gellibrand's, where, after a short delay, Cash gently upbraided his captive host with lack of hospitality, and so secured an invitation to tea for the whole band. McKay was placed at the foot of the table between two of his own men, much to that gentleman's discomfiture. Only Cash's firmness, however, saved him from a worse fate: for Jones was very anxious to flog him as cruelly as he was wont to flog his servants—a retaliation, said Jones, which he had found to work well in New South Wales. Before leaving the place with their "takings" the gang stripped the whole party of their boots, in order to prevent them from following them or giving the alarm to others. They then speedily made their way back to their old camp under the Dromedary, and sent in all haste to Hobart for their fiddler. While here Cash learned from the papers that Mrs. Cash had been released by the Governor, and he flattered himself that this was the result of the threatening letter he had sent to his Excellency shortly after the arrest of that lady; but the truth of the matter was that she had been liberated in the hope that some clue to Cash's movements might be obtained through her, and that he might be even induced to visit Hobart Town if he learned that she was living there in freedom. As will be seen farther on, this ruse proved successful.

The next exploit of the bushrangers calling for notice was an attack upon the residence of a well-to-do settler named Kimberley, near Broadmarsh. On reaching the house they found the door barred and the inmates in bed, and as their demand for admittance was not promptly answered, Kavanagh shot the lock off the door and the three men entered. The first



EARLY VIEW OF HOBART TOWN.



thing Cash saw was a man trying to escape through the window: he tried to drag him back, but the man's belt came loose in his hands, and in it Cash found fourteen rounds of ball cartridges. Mr. Kimberley was found in bed in another room, with a loaded gun standing near at hand; he meekly rose when ordered, and was led into another room, where four others had already been placed. Kavanagh stood guard over these while Jones proceeded to further search. Coming to a door that was locked he applied the muzzle of his piece to the lock and was about to fire when Cash made him desist, saying he heard female voices in the room. Mr. Kimberley then called out that his three daughters were in the room, and then Cash told them not to be alarmed, but to dress quickly and come out. This they did, and having been transferred to Kavanagh's keeping, they had to look on with the others while Cash and Jones ransacked the place.

Leaving Mr. Kimberley's they went off to the hut of a friendly convict, left their knapsacks outside, and sat down to supper. Suddenly they heard a voice outside saying "Surround the hut; we have them; here's their swag." A party of soldiers and constables—ten in all—had at last come within reach of the outlaws. On hearing the exclamation Jones at once blew out the light, while Cash seized his gun, opened the door and fired both barrels right and left, at the same time shouting "Come on, my hearties; you have got us!" There was no response, and Cash returned to the door and reloaded his piece, Jones asking what should be done. "We'll have to shoot two or three of them," said Cash, and stepping outside again he loudly inquired if they were all dead, at the same time remind-

ing them of the large reward they would get for capturing them, if they were only brave enough to try. At this time there was a reward of £150 on the head of each of the bushrangers, with 100 acres of land and a free pardon, if the capturer happened to be a convict. The three now advanced together about fifty yards from the hut, but could not see their assailants. At last they heard the soldiers at the hut calling upon them to surrender; they fired, and the soldiers returned their fire; one ball grazed Cash's ear, but did not wound him; but it was too dark to aim straight, and the soldiers sought shelter in the hut. The bushrangers challenged them several times to "come out and fight like men," but they contented themselves with firing from their shelter, promptly answered from the darkness outside. At last Cash and his mates began to think about retiring, but did not care to go without their rugs and knapsacks; Cash accordingly crept up to the hut, but could find only one rug, which he at once carried back to his mates; and all three then made for the Western Tiers, where they camped.

A few days afterwards the gang took a new departure, and bailed up the passenger coach at Epping Forest. There were a number of passengers in the coach at the time, including several ladies, but one of the first things the bushrangers did, after stopping the coach and telling the passengers to alight, was to assure the ladies that they were "not the men to hurt women." They emptied their purses, nevertheless, in common with those of the male passengers, and then allowed the coach to proceed, themselves making across country in the direction of Ross, where they varied the entertainment by attacking the residence of



Captain Horton, which was near the troopers' quarters. Mrs. Horton escaped through a window and ran into Ross to give information to the authorities, but the soldiers arrived only to find that the birds had flown.

During the next week Cash and his mates kept quiet in the fastnesses of the Western Tiers, and it was when starting from his hiding place bent on another raid that an event happened which led to the break-up of the gang. When travelling over some very rocky ground Kavanagh fell, and his gun exploded, the ball entering his arm at the elbow and coming out at the wrist. It was decided to return towards Bothwell, in the hope of obtaining surgical assistance from the township, as Kavanagh's wound was a very serious one. Cash's plan was to find out where the doctor lived, and march him off in custody to attend to his wounded mate; but the letting of blood appears to have deprived Kavanagh of some of his bravery, and before this plan could be carried out he determined to surrender himself to Mr. Clark, at Cluny, an old acquaintance. Nothing that his companions could do or say was effective in shaking Kavanagh's determination, and finding that he was not to be moved from his purpose, they accompanied him within a short distance of Cluny and then left him.

Speaking of this affair, Cash subsequently wrote: "I am sorry truth obliges me to say that Jones, while on the road to Mr. Clark's, privately hinted the necessity of shooting Kavanagh, being under the impression that he might reveal our haunts. I rebuked him for making such a heartless proposition, observing that had I been in Kavanagh's situation he would

treat me in like manner, and regretting very much to hear him suggest anything so unmanly. I kept my eye upon him until Kavanagh was far away on the road, being of opinion that Jones would do almost anything rather than forego his visit to Mrs. B——n's at the Dromedary. We returned in very bad spirits, as neither of us liked the idea of Kavanagh giving himself up to the authorities, although I never for a moment thought that he would make disclosures to injure us. For the first time I now became disgusted with my calling, being of opinion, after what had lately transpired, that there could be no confidence or friendship between men placed in our position. But the die was cast, and I was obliged to follow it up to the end."

After leaving Kavanagh, Cash and Jones made their way back to Mrs. B——n's house at Cobb's Hill, half fearful that their former retreat would become a trap, as it would undoubtedly have done if Kavanagh had "split" upon them. But they found everything as it was before, only their friends being in the house. Cash, however, became suspicious, and could not make up his mind to stay long. It was while waiting here that they planned one of their most successful robberies. Hearing that a Mr. Clark, of the Tea Tree, had about £200 in the house they determined to make a raid and possess themselves of that treasure; and under the guidance of one of their friends they made their way to the place. Entering the house suddenly they gave the inmates no time to make resistance; and almost before the astonishment created by their visit had subsided they had disappeared again. On the same night they bailed up the mail coach at Spring Hill, relieving the driver and the passengers of

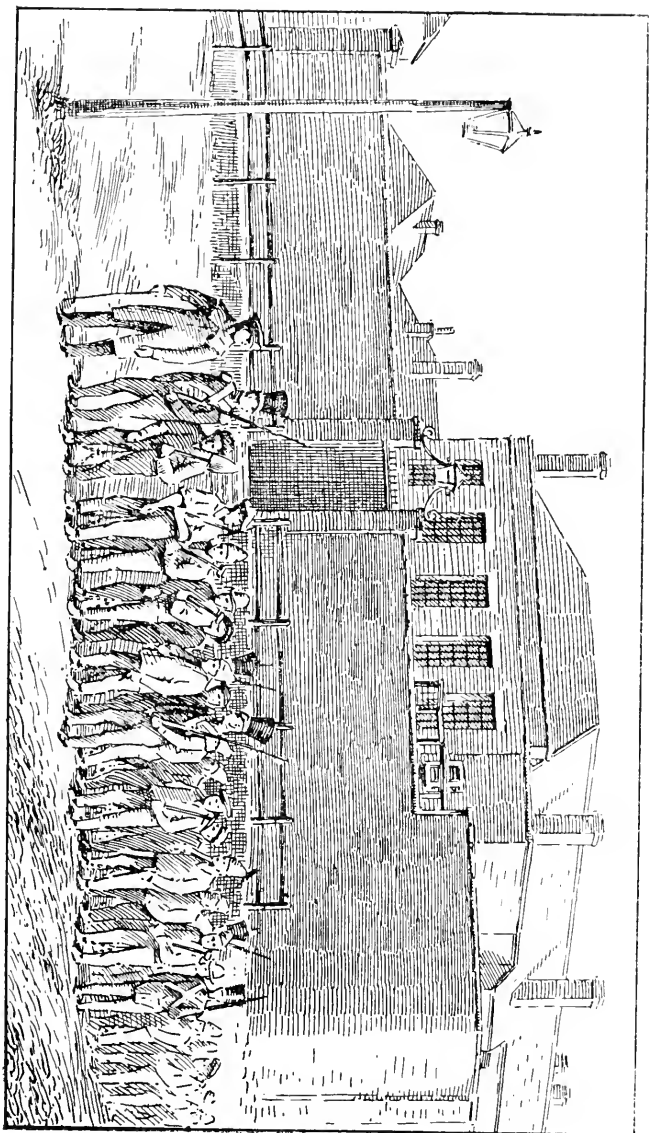
all their money, watches and jewellery, and the mail-bags of all the letters having the appearance of containing money. They also helped themselves to the latest newspapers, intending to learn all contained therein concerning the movements of the military and constables, who were now accompanied in their researches by black trackers.

At last Cash determined to visit Hobart and look after Mrs. Cash, about whose conduct malicious rumours had been spread. He arrived safely in town, looked up his friend the old fiddler, and started with him to find Mrs. Cash's house: but unfortunately he was compelled to ask directions of a man in the street. The man at once pointed out the house, but at the same time called out to another man standing near, "This is the party we are looking for," at which Cash made off, the two men following him, firing at him as he ran. The remainder is thus told by the Hobart Town "Review":—"By this time a number of persons had joined in the pursuit, and the alarm increasing, a man named Cunliffe, a carpenter, came from his house as he passed, and lifting his hand Cash discharged his pistol, which wounded Cunliffe in the fingers. Cash then crossed Elizabeth-street and ran along Brisbane-street, making for the paddock, and as he passed the public-house called the Commodore, opposite Trinity Church, one of the Penitentiary constables, named Winstanley, seized him. A struggle ensued, when Cash drew a pistol and shot him through the body: he died the next day. A person named Oldfield coming up, Cash fired at him, wounding him in the face. At this moment another man tripped him up, and a number of persons arriving he was handcuffed, but not

until he had made much resistance, in the course of which he was much beaten. He was then taken to the Penitentiary to be identified, but he was so disfigured in the struggle to capture him that Mr. Gunn could not then recognise him. He was, however, conveyed to the gaol, no doubt existing of his identity."

A week later the same paper contained the following:—"Cash and Kavanagh.—We have already furnished our readers with full particulars of the capture of these unfortunate men. They were both tried separately yesterday—Cash, for the murder of the constable (Winstanley); Kavanagh, for the robbing of the Launceston coach. Cash was defended by the late Attorney-General, Mr. Edward Macdowell, who, although evidently labouring (we sincerely regret to say) under severe indisposition, yet defended the unhappy man with his usual zealous judgment. The jury found both prisoners guilty, but a point of law, as to whether Winstanley knew Cash to be a proscribed absentee when he met his death—whether the melancholy event, deplorable as it was, could be wilful murder, a chief element of which is malice prepense, and on some other subjects, is reserved for the decision of both judges."

Cash had walked into the dock in the most unconcerned manner, and stood during the trial with his arms folded. He was dressed in blue jacket and trousers, and blue striped shirt, a black handkerchief round his neck, and a green one round his head to cover up the wounds he had received at the time of his capture. The indictment against him was drawn up in the usual elaborate manner, charging him "for that he did, on the 29th August, with a certain pistol



HOBART TOWN GAOL AND CHAIN GANG.



of the value of five shillings, being then and there loaded with gunpowder, which gunpowder exploded and discharged a leaden bullet, which did strike, prostrate and wound the left breast of the said Peter Winstanley, of which wound he died on the 31st August."

Neither Cash nor Kavanagh made any defence for themselves, except to say that they had never shed blood where it was not absolutely essential to their own safety—a statement which the judge admitted to be true. On conviction they were removed to the cells to await execution, but two days before the time arrived they were informed that the sentence of death had been commuted to transportation to Norfolk Island for life. The intelligence of their respite was conveyed to them by Rev. Father Therry, to whom Cash had taken a great liking, and a few days afterwards the two men, with twenty-two other convicts, were placed on board the brig "Governor Phillip," and conveyed to their new destination. Here Kavanagh was hung within a year for joining in a mutiny; Cash, however, after many ups and downs, and (if we can believe his own story at all) a great deal of petty persecution from Commandant Price,\* managed to escape

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\* With reference to the alleged petty persecution of Cash by Commandant Price at Norfolk Island, the following statement on the other side is of interest. I took it down from the lips of the late Mr. Frank Belstead, Secretary for Mines, Tasmania, who was a young officer under Price at Norfolk Island when Cash was there:—

"When Martin Cash was reprieved he was sent to Norfolk Island. Major Childs was the Commandant, but he was shortly afterwards superseded by Mr. Price. Soon after Price's arrival he sent for Cash. Cash came to the office. I was present and heard all that passed. Price, after his manner, called Cash by his christian name and chaffed him. He said: 'Well, Martin, so you're here, and I hear that you're going to make a long stay?' 'Yes, Sir,' said Martin. 'Well,' said Price, 'I know all about you, and if you'll act on the square I'll lay up to you.' He went on: 'It's a bargain, is it?' 'Yes, Sir,' said Cash. 'Well,' said Price, 'remember that if you make a mistake I'll come down on you just as I would on anybody else; but, if you conduct yourself, I'll give you every chance.' 'Thank you, Sir,' said Cash.

"In a very short time Cash was made a sub-overseer. This gave him the privilege of sleeping in a hut, instead of being locked up in barracks with the

the utmost penalty. Through the instrumentality of the commandant who succeeded Mr. Price, a petition for a remission of his sentence was favourably received. He served for a time as constable at the Cascade, and having married a convict servant of the resident surgeon on the island, he went back to Van Diemen's Land when the establishment at the island was broken up. Here for a time he served as caretaker at the Government Gardens, and subsequently went to New Zealand, where he managed to accumulate a little property. After residing in the land of the Maori four years he returned to Tasmania, and purchased a farm at Glenorchy, near Hobart, where he passed the remainder of his days "in the calm and tranquil enjoyment of rural retirement."

Jones, who had evaded capture for about seven months after his leader had been captured, met his death on the scaffold—a fate apparently due to his own ferocity, which Cash had so often restrained. After Cash had left the "Retreat" for Hobart Town, Jones took up a fresh position on the Dromedary, and formed a new gang with two runaway convicts. During one raid a woman refused to tell where money was secreted, and in order to make her confess Jones tied her up, gagged her, heated a spade in the fire, and applied the red-hot iron to her legs, causing terrible injuries. On another occasion he deliberately shot a

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ordinary prisoners at night. He had tea and sugar and could smoke if he chose—a great privilege on Norfolk Island, though I think Cash was not a smoker."

Mr. Belstead then narrated the various steps of promotion which Cash got at short intervals, and concluded by saying:—

"Cash conducted himself well, and Price kept his word to him, granting him every indulgence that the regulations allowed. Cash had not the least reason to complain of his treatment, and the statements he has made in his 'Life,' respecting Price's harshness and cruelty to him are entirely without foundation in fact."

[For another view of Price at Norfolk Island, see Major de Winton's "Soldiering Fifty Years Ago" (London, 1898), p. 130, *et seq.*]



constable who was in pursuit of him, and subsequently boasted of the murder. Shortly after this, however, the woman at the "Retreat," Mrs. B——, fearful for her own safety, gave secret information to the authorities, who set a watch and trapped the whole party of bushrangers in the hut of a man who had been harbouring them on the Dromedary. Moore, one of the gang, crept outside the hut on his hands and knees, and was immediately shot by one of the constables. Jones came out next, and received a heavy charge of shot in the face, which blinded him, rendering his capture an easy matter. The other bushranger, Platt, was taken without being injured. Then followed trial, conviction, and execution; and for some time thereafter the peace of the residents in town and country in that land of notorious bushrangers was undisturbed.

## CHAPTER IV.

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### THE EARLY DAYS IN NEW SOUTH WALES.

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#### DONOHOE, UNDERWOOD, AND WEBBER.

Donohoe and his gang were the most prominent bushrangers of the olden time, and they kept the country in the vicinity of Liverpool, Windsor, and Penrith, in a fever of alarm for about four years. John Donohoe was a native of Dublin, and arrived as a prisoner in the colony in 1825, being at the time quite a young man. Shortly after his arrival he escaped to the bush and was joined by ten or a dozen kindred spirits, who formed a formidable band. They committed most daring depredations, sometimes simultaneously in different districts, the gang separating into three parties, which would turn up in unexpected places. Donohoe was a man of rather prepossessing appearance, somewhat effeminate in features, having flaxen hair and blue eyes; but he was strongly built, five feet four inches in height, and a veritable savage when roused to anger by anything like resistance. His chief mates were Walmsley, Webber, and Underwood, these three being the first to join him. They were all convicts, with the exception, it is said, of Underwood, who was native born, and had joined the others from sheer love of adventure. But he had one adventure

which he did not bargain for. After the quartette had "been out" for some time, his companions ascertained that Underwood was keeping a diary of their proceedings, and without further ado they put an end at once to his ambition as a chronicler of interesting events and to his life by deliberately murdering him.

During four years the country rang with reports of their desperate deeds, to narrate which in detail would fill a volume. Cases of "sticking up" on the road or in houses were of daily occurrence. Settlers and others were robbed, completely stripped, and left in the bush to make their way home as best they could. Nor did the ladies even escape, for there were several instances in which it was related that the robbers had taken the earrings from their ears, and the rings from their fingers—these outrages being committed close to Sydney. They had frequent fights with the police, with results usually indefinite.

Here is a story told by one who subsequently became mixed up a good deal with crime and criminals, having been appointed a detective under the Government of both New South Wales and a neighbouring colony:—

At this time I was in the employment of Mr. Wilfred, who had a station near Bringelly, about 30 miles from Sydney. One beautiful summer morning along with Mr. Wilfred I started from Bringelly, in a chaise and pair, driving tandem. I recollect that as we were about to leave, a gentleman connected with the Union Bank remarked, "Now, Mr. Wilfred, mind you do not fall in with those boys in the bush." "Oh, no fear," replied Mr. Wilfred, "I have travelled the road for years, and I have never met with a bushranger." But we know the proverb of how often the pitcher may go to the well before it is broken.

All went well until we got about a mile and a half beyond Liverpool. This hamlet, which was dignified by being considered a township, and borrowed the name of the shipping

metropolis of Britain, consisted then, whatever it may be now, of about a dozen little huts or shanties, inhabited by what were termed "Dungaree," or "Stringybark settlers." These people had a small patch of ground, on which they grew maize, and this grain constituted almost their only article of diet, for they considered it a luxury if they could obtain a few pints of flour in the course of a year to mix with the maize meal. They would indeed sometimes grow wheat, but they could not afford to consume it. They brought it to

D. 17.

# **TICKET OF LEAVE PASSPORT.**

No. 49/84

The Bearer

John Roper

Convict by the Ship Melish holding a  
Ticket of Leave No. 57/1056 for the District of Yass  
which is deposited in the Police Office at do

and whose personal Description and Signature are on the other side, has obtained  
the permission of His Excellency the Governor to reside at Kyamba

frank Murrembidge in the service of  
Messrs W Walker & Co.

for Twelve months, for the date hereof, conforming himself in every  
respect, according to the regulations laid down for the guidance of Convicts of his  
class.

Given at the Office of the Principal Superintendent of Convicts,  
Sydney, this thirtieth Day of February  
One Thousand Eight Hundred and forty six

Registered

Thomas Ryan }

Chief Clerk.

M. H. W.

market, and one of the principal purchases which they made with the proceeds of the sale was a keg of rum, necessary for the annual rejoicing which they had at the end of harvest, when they drank the spirits from the pannikins, and for a few days the equanimity and monotony of their simple mode of life would be disturbed by unusual revelry. Well we had not got two miles past the settlement of this enterprising band of colonists, when in a piece of thick iron-bark scrub, at a sharp turn of the road known as Stamford Hill, we were stopped by

three noted bushrangers mounted on horseback. One appeared on either side, and one a short distance in front, and each presented a fowling piece. Of course, resistance was out of the question; we were but two to three, and we were covered by their muskets. They ordered us to "stand," and we had no alternative but to obey. Mr. Wilfred then in obedience to their further commands, stepped out of the chaise, when they not only robbed him of his watch, money and jewellery, but also completely stripped him of his clothes, leaving him with nothing on save his shirt.

"Now, Mr. Flunkey," said one of the worthy trio to me, "it's your turn." I was subjected to a close search, but as I had only a few shillings in my possession, they allowed me to retain the money, and I was anticipating that I would be permitted to go "scot free," when the attention of one of the men whom I afterwards recognised as Webber, was attracted by a pair of strong kip boots which I wore. They were colonial-made, and rare in those days, and were much prized by bushmen. "Oh," said Webber, just as I thought they were done with me, "but I must have his boots; they will just suit me." Accordingly, I had to denude myself, however unwillingly, of my envied boots, when Webber put them on, and declared them to be a "deuced good fit."

The chaise was next made the subject of their delicate attentions. As luck would have it, we had in the vehicle some twelve or fifteen pounds of powder, which we were taking to Mr. Lowe, a magistrate, who lived about two miles from Bringelly, to be used in duck and kangaroo shooting. The free-booters (the name seems specially appropriate when I consider how they treated my pedal coverings) were exceedingly pleased with this prize, which they declared was "just what they wanted;" and, having tied the whole of their plunder on their horses, they bade us good day, and disappeared, in the greatest good humour.

I had to drive back to Liverpool and obtain some clothing for the denuded Mr. Wilfred, after which we continued our journey, and arrived with no further casualty at Bringelly.

A Mr. Eaton was proceeding from Sydney towards Liverpool on horseback when Donohoe or one of his gang fired at him from the side of the road and severely wounded him. After he had fallen two members of the gang robbed him of his money and valuables and a portion of his clothing and then decamped, leaving him bleeding on the road. Before

nightfall, however, some settlers on their way to town picked Mr. Eaton up and carried him home.

Next day a young man who had gone up to inspect some cattle at Liverpool was deliberately shot in the neck and chest when on the road, and as Donohoe and Underwood were then in the neighbourhood they received credit for the outrage. No attempt was made to rob the victim, who was left lying on the road.

The "Australian," a Sydney newspaper, published the following paragraph about this time:—

Donohoe, the notorious bushranger, whose name is a terror in some parts of the country, though we fancy he has more credit given to him for outrages than he is deserving of, is said to have been seen by a party well acquainted with his person, in Sydney, enjoying, not more than a couple of days ago, quite at ease apparently, a cooling beverage, derived from the contents of a ginger-beer bottle.

As a commentary upon this it may be stated that no less than six cases of "sticking-up" occurred on the Parramatta-road during the ensuing week.

So great became the alarm that travellers joined on the road for mutual protection, and a newspaper of the day offered the following comments:—

For the past few days there have been fewer instances of robbery than there were during the last week or two; yet travelling is far from safe—even between Sydney and Parramatta many persons rather than venture alone still jog along in sixes and sevens, or keep up, for protection, with the coaches. Some half dozen constables or so, we believe, have been packed off along the Parramatta and Liverpool Roads, but have returned to town, as usual safe and sound, but empty handed. Not so in Van Diemen's Land—when the bush-rangers were playing their worst pranks, the Lieutenant-Governor himself set forth in search of them, and even now Colonel Arthur threatens to pursue the refractory aborigines in person through the island. But here, with a mounted police and a police establishment, which if not effective is not for want of expense, and a strong garrison of armed soldiery, the bushranging gentry seem to carry on their pranks almost

without molestation. If the constables cannot be depended upon or spared in sufficient numbers, there is the horse-police; and surely out of 800 soldiers, 40 or 50 picked men might be dubbed constables, *pro tempore*, and despatched to scour the roads of those marauders who, though comparatively few and weak in number, by the comparative impunity they are allowed to enjoy, carry terror and devastation into the huts of the lonely settlers. Some effective measures should be taken, and that speedily, to suppress this alarming evil.

One evening in September, 1829, Donohoe and Underwood entered the hut on Sir J. Jamieson's estate, and having tied up the inmates proceeded to cook supper for themselves. Donohoe actually made preparation to burn the hut with its inmates, but was prevented by his companion from carrying out his cruel design. Going to the other extreme, he then forced the unfortunate victims in the hut to drink a large quantity of rum, and having further secured their hands and feet, the robbers walked off with everything they could carry.

At this time a reward of £100 was offered by the Government for the capture of the two men. If the captor was a convict he would receive a ticket-of-leave as well as the money.

They then went up the mountains, well mounted and armed, Fish River and Mount York being reported as their camping grounds. Just at this time the Governor was making an official visit to Bathurst, attended by a strong body guard, and a hope was expressed that they would fall in with the bushrangers, but that hope was not realised.

The following is the full text of a letter written from Windsor shortly after the occurrence therein narrated took place:—

On Thursday, 14th instant, as two carts laden with divers

property belonging to Mr. McQuade, shopkeeper, Windsor, were returning from Sydney, and when within two miles of Windsor three armed men rushed out from the bush and ordered the carters to stand. They pulled up, and then found the three men to be Donohoe, Walmsley, and Webber, the bushrangers. The bandits commanded them to drive into the bush about 40 rods, and arrived at the spot Donohoe questioned them as to the owners of the stores in the cart, and also sought information as to the movements of the chief constable and police magistrate of Windsor. Walmsley was then placed to keep the carters under cover while the other two proceeded to ransack the carts, making one of the carters assist. In one cart was a crate of earthenware, a large quantity of print and calico pieces, and two bags of sugar. The bushrangers removed all the print pieces, etc., but left the earthenware, and cursed the drivers for not having some tobacco on board. Donohoe said he would give all the rest of the stuff for half a basket of tobacco, and one of the carters innocently said "If you let me know where I shall leave you some I will in less than two hours deposit two pounds for you anywhere." Donohoe answered rather angrily "What a flat I am." Just then another vehicle was heard passing along the road, and Donohoe said if they were not busy they would bail up the occupants, but they could not do it just then. It subsequently transpired that the travellers were the Police Magistrate and Mr. Richardson, the surveyor. There was a crate of rum in one cart among the other things, and this Webber broached, the men expressing regret that there was not a small crock or keg to put the liquor in. Donohoe and Walmsley drank very little but Webber drank so much as to call forth a reproof from his leader, when he replied "I wish I could get some of this when under the gallows"; then Donohoe replied "I would rather meet my death by a ball than the gallows." Donohoe is represented as being lame in the left arm about the shoulder, but remarkably active nevertheless. On one occasion, rather than go round the cart he put one hand on the horse's rump and sprang to the other side with remarkable ease and agility. One of the three proposed to take a bag of sugar amongst the other articles, but Donohoe objected, saying that he would not be burdened; but he made one of the carters hold the bag while he cut it open and emptied some of the contents into a small corn bag.

They conversed rather freely with one of the carters, acknowledging that they had been harassed of late, and that they were very short of bread. In rejoinder to something the other carter said Donohoe assured him angrily that they were not afraid of the chief constable and all his bloodhounds, and dared him to send them all out after them as soon as he



got into Windsor. "Tell him," said he, "to send us half a dozen flannel shirts, as the nights are cold; tell him somebody else knows the bush as well as him, and that we know he has been after us three weeks at a time; if you have any mind to keep any part of these things in the cart do so and lay it all on us and welcome, we've got enough." Boyle (the carter) turned all his pockets inside out to convince the bushrangers that he had no tobacco, and Donohoe, looking at the spirits, said, "D—— the rum; I'd sooner have a loaf or some tobacco than all the — stuff." Quin, the carter, said that the affair would go hard with him, as he was only just free and would be made answerable for the goods. "Ah," said Webber, "What would I give if I were free!" Donohoe then made two packages of the fifty pieces of print and fine pieces of calico, and a third package of the sugar, and tied them with a strand of the cart rope so that they would fit over each man's shoulders and leave the arms free. They were all well armed, having each a brace or more of pistols slung before them, by leather belts around the body and holsters to hold them. In addition to the pistols Donohoe and Webber each had an excellent fowling piece. They all presented a remarkably clean appearance, and were dressed as follows:—Donohoe—black hat, superfine blue cloth coat lined with silk, surtout fashion, plaited shirt (good quality), laced boots rather worn at the toes and snuff coloured trousers; Walmsley—black hat, shooting jacket with double pockets, blue cloth trousers, plaited shirt and laced boots; Webber—black hat, blue jacket, plaited shirt, with very handsome silk handkerchief round the neck, blue trousers and laced boots.

After shaking hands with the carters the bushrangers rode away, Donohoe saying that if it were not for the large reward offered for him, he would go to Sydney, "fence the swag" and leave the country.

Quinn and Boyle immediately reloaded what was left into the carts and went into Windsor and reported the matter to the chief constable, who proceeded himself with the horse police in search of the desperadoes. Black Jemmy also went out and tracked the footsteps of three men until darkness came on. The constabulary then watched for fires during the night, but Donohoe was no novice, and doubtless travelled during the darkness and rested in the day. From the fact of the bushrangers being able to find a market for so much calico and print, there can be no doubt that they have some receivers, and consequently friends who supply them with comforts and information concerning the movements of the police.

So the game went on. Mr. Lawrence Dulhunty,

who had helped to capture Mustin, was caught, and stripped naked in revenge, and narrowly escaped having his ears cut off. Mr. Blaxland, of Newington,



D. 3.

# P A S S.

PERMIT *John Gallagher*  
per Ship *Petrol* and *allowed a Ticket*  
*of Leave* —

whose description and personal Signature are on the other side, to pass  
from hence to *Yates* for

the purpose of *obtaining his Ticket of*  
*Leave and reporting himself*  
*to the Bench of Magistrates*  
*on his arrival*

there; ~~and to report to the Bench~~

This Pass to be in force for *fourteen (14)* Days and no longer.

Given at *My Office* this *14<sup>th</sup>* Day of *July* - 18*46*

TO ALL WHOM IT MAY CONCERN.



was stopped in his own drive, and only saved from their brutal treatment by the bravery of his daughters. One day the gang would be heard of as robbing a

traveller within a few miles of Sydney, and the next as having stuck up a store or station a hundred miles from the quarter where they had been last seen. Donohoe was, indeed, once arrested, but while being brought from the prison to the court, he succeeded in effecting his escape. A hero before in the estimation of the ignorant and tainted portion of the population, he was now regarded as possessing a charmed life. At one time he was said to be at the head of at least a score of bushrangers, and all the efforts of the constabulary to break up the gang proved unavailing.

At last the residents rose in their own protection. A number of gentlemen formed themselves into a corps to clear the country of the band of desperadoes, and they arranged and carried out their plans effectively. Wisely determining that it would be futile to chase the marauders through the country, the volunteers took post near Bringelly, which was one of Donohoe's favourite resorts. It was not long before the banditti paid a visit to this locality, and made their head quarters in a peculiar recess in the bush, which was known to their pursuers. Thither the volunteer corps, to the number of about a dozen, repaired, in the hope of being able to surprise the bandit camp. The feet of one of the horses, however, dislodged a stone, which, rattling down a precipice, alarmed the bushrangers, and they prepared to give their assailants a warm reception. Being about equally matched a sharp action took place, in which several men and horses on both sides were wounded, but none fatally. At length, the assailants, finding they could secure no decided superiority, feigned an attack, when the bushrangers fell back and the volunteers, taking advantage

of the opportunity, turned and retreated, in order to obtain a reinforcement of mounted police who were in the neighbourhood.

Joined by the troopers, the volunteers renewed the fight. Both parties fought best under cover, concealing themselves behind trees and firing on any opponent who exposed himself. There was among them an old soldier, a good marksman, who selected the bandit chief for his victim. He watched for his opportunity when Donohoe was looking from behind the tree at which he had taken his stand, and fired on the instant; both the bullets with which the musket was loaded took effect in the bushranger's head. Their leader slain, the bushrangers took to flight, and most of them succeeded in effecting their escape. On the person of Donohoe there was found a small pistol, loaded, with which it was said he intended to commit suicide if at any time he should find escape impossible.

Walmsley and Webber, the other two leaders, held out a little longer, until the former, it is believed, betrayed his comrade. While they were in the act of sticking-up a gentleman and his carriage on the Western Road, they found themselves in an instant surrounded by a body of police who conveyed them to Sydney. Walmsley turned King's evidence against Webber, and caused great consternation among his old friends in the bush by giving full information as to how they disposed of the whole proceeds of the robberies. The houses of some thirty different people were searched and a large amount of valuable property was recovered. Webber was convicted and hanged, while Walmsley was transhipped to Van Diemen's Land. The receivers of the stolen property, against

whom Walmsley gave information, were sentenced to various terms of imprisonment, and the reign of terror in the New South Wales bush was brought to a close.

### TRAPPING HARBOURERS.

In the old convict days harbourers of bushrangers and runaways were looked upon and treated as a very "bad lot"—as, indeed, they were, for without their shelter and assistance the career of many a bushranger would have been cut short speedily. Hence, hutkeepers and others who were convicted of "harbouring" were without much ceremony handed over to the public flogger or the gaoler, and most curious means were occasionally adopted by the police in their detection. Here, for instance, is one story of the kind, told by the trapper himself in an affidavit:—

Westmoreland.—To Wit: William Christie came before me, one of His Majesty's Justices of the Peace for the said colony, and maketh oath and saith: That on the 24th day of August, 1825, being at the head of a party of constables and others in pursuit of bushrangers in the neighbourhood of Bathurst, he deemed it necessary to send forward one of said party named Matthew Menfield, disguised in the character of and personating a bushranger; that accordingly the said Matthew Menfield went forward in the above character to a hut occupied by shepherds belonging to Mr. Icely, where he remained until the arrival of deponent and his party, and when he saw them coming up he (Menfield) went into the hut and pretended to secrete himself from the party, which he appeared to be afraid of. On inquiring of the hutkeeper, James McAuliffe, if he saw a man pass by dressed in a factory frock and straw hat and with a gun, he said the hutkeeper told a falsehood by stating that he saw a man answering this description pass by, and pretended to point out the road which he had run. Deponent then ordered one of his party, named Thomas Dawson, to dismount from his horse and search the hut, which he did accordingly, and found secreted therein the said Matthew Menfield. Deponent then ordered another of

the party, named Patrick Blanchfield, to handcuff the hut-keeper, when the hutkeeper said to the said Patrick Blanchfield words to the following purport:—"You —— rascal, many a time yourself and others have come this way hungry and had your bellies filled, and this is the way I am repaid for it." Deponent then took him some distance from the hut and liberated him, telling him he would call for him on his return, and then proceeded with his party in search of bushrangers. Deponent further stated that on the same night, after he had left the abovementioned hut, he sent Menfield on to Captain Piper's station and to act in a similar manner, and on the arrival of Menfield at the hut he found two shepherds and a hutkeeper, and they objected to admit him, but told him they would give him bread and meat, and that two men would be in immediately. He received the bread and meat, and then returned to deponent and told him the circumstances.

The unfortunate McAuliffe received a round two dozen, with an extra stroke "given in," as a lesson not to open his door to a bushranger in the future. What a poor chance had men in those days of entertaining angels unawares!

The harbourer, once caught, might expect severe treatment, as will be seen from the Act here given:—

#### ANNO QUINTO

#### GEORGH IV. REGIS. NO. 3

By His Excellency Sir Thomas Brisbane, K.C.B., Governor of the Colony of New South Wales, &c., &c., &c., with the Advice of the Council.

(An Act to prevent the Harbouring of Runaway Convicts and the Encouraging of Convicts Tippling or Gambling.—January 19, 1825.)

Whereas the Harbouring and Employing of Runaway Convicts greatly encourages them to abscond from their lawful services, and mislead the Thoughtless into bad Courses of Life; and the Harbourners and Employers of such Convicts frequently become the Receivers of Stolen Goods, and conceal dangerous Offenders from Justice:—

Now, therefore, be it enacted, by His Excellency the Governor of New South Wales, with the Advice of the Council, That, from and after the First Day of February next, any Householder, Settler, or other Person in the Colony of New South Wales, or any of its Dependencies, harbouring in or about his or her House, Lands, or otherwise, or in any Man-

ner employing any Person illegally at large, shall pay to Our Lord the King a sum of not less than Five Dollars, nor more than Fifty Dollars, for every such offence; and a further sum of One Dollar for each and every Day he, she, or they shall so harbour or employ such Person, whether knowing or not knowing him or her to be illegally at large: And the said Fine or Fines shall be leviable, upon Conviction of the said Harbournor or Harbournors, Employer or Employers, by two Justices of the people, in a summary Way, upon the Oath of one Witness, or other legal Proof.

II. Provided always, that if any Householder, Settler, or other person, shall be desirous of employing any Laborer or other Servant, and of ascertaining whether such Laborer or other Servant is at large contrary to the legal Regulations of the said Colony, it shall be lawful for such Householder, Settler, or other Person, to apply to any Justice of the Peace residing within the district where such Laborer or other Servant is engaged, or intended to be employed, to enquire into the Fact whether such Laborer or other Servant is or is not at Large contrary to such Regulations; and such Justice of the Peace is hereby authorised and required, upon such Application forthwith, to cause every such Laborer, and other Servant, to come before him, and enquire into such Fact as aforesaid; and if it shall appear, to the satisfaction of the said Justice of the Peace, that such Laborer or other Servant is not at Large contrary to the said Regulations, such Justice shall grant a certificate to that effect, under his hand, to such Householder, Settler, or other Person so applying, and it shall be lawful for such Householder, Settler or other Person, to employ such Laborer or other Servant without incurring or being liable to any Fine or Fines as aforesaid.

III. And whereas convicts in the service of the Crown, or assigned to private Settlers and other Individuals, frequently resort to Drinking or Gambling Houses, to the great injury of their Masters, and Detriment to public Order. Now, therefore, for the prevention thereof, and in order to compel such convicts to confine themselves to their lawful Stations and Business, be it further enacted, That the Occupier or Person in Possession of every House, being licensed to sell Ale, Beer, or Spirituous Liquors, shall pay to the King a Fine, not exceeding Twenty Dollars, nor less than Four Dollars; and the Occupier, or Person in Possession of every House, not being so licensed, shall pay to the King a Fine not exceeding Forty Dollars nor less than Eight Dollars, for every such Convict as aforesaid, who shall be proved by the Oath of one Person, or by any other legal proof, before any two Justices of the Peace, in a summary way, to

have been, and been received, at such house as aforesaid, for the purpose of Drinking or Gambling as aforesaid, without the leave of his Overseer, Master, or Mistress; and in every such case as last aforesaid the leave of the Master or Mistress shall be proved by the Owner of the House, or it shall be held not to have been given; and if the said offence of employing or entertaining Convicts as aforesaid shall have been committed on a Sunday or Sundays, the Fine or Fines to be imposed in consequence thereof shall be at least Ten Dollars, and not exceed Fifty Dollars.

IV. And be it further enacted, That if any of the said Fine or Fines hereinbefore imposed shall not be paid within Three Days after such Convictions as aforesaid respectively, the same may be enforced by any two Justices, by Attachment and Sale of the Goods and Effects of the Person or persons convicted aforesaid: And in Case no such Goods and Effects shall be found whereon to levy the said Fine or Fines, that it shall and may be lawful for such Justices, before whom such Convictions as aforesaid shall have taken place, to issue their Warrant to apprehend the Person or Persons so Convicted, and to cause such Person or Persons to be imprisoned and, if the said Justices shall think fit, put to Hard Labour for any Time not less than Ten Days, nor more than Three Calendar Months.

V. Provided, That all Fines, which shall be paid or levied under this Act, shall be for the local Purposes of the District wherein the same shall be levied, and shall be paid and appropriated at the Discretion and by the Order of the Justices of the Court of Sessions holden for such District, in the Rewarding of such Persons as shall inform against and prosecute to Conviction any Offender or Offenders against this or any Law or Act for the Peace, Order and Good Government of the said Colony; and shall from time to time be duly accounted for to the Governor or Acting Governor of the said Colony, and a true Account of the Appropriation of all such Fines as aforesaid shall be published quarterly in the Public Newspapers.

THOMAS BRISBANE, Governor.

January 19th, 1825—Passed the Council, FRANCIS STEPHEN, Clk. Col.

I have given this Order in Council in full, from an official copy in my possession, as it throws light not only upon the method of procedure then in vogue with regard to harbourers, but upon the liquor law in its bearing upon the convict system generally.



Men not free who were convicted of harbouring runaways were dealt with after a different fashion. Here is a case in point:—Thomas Jones, a “ticket-of-leave” convict, was charged, in July, 1826, with having harboured a notorious bushranger of that time named Johnston. It appeared that Johnston came to the hut and demanded shelter, and Jones allowed him to sleep there during one night, although a hut mate of his protested. In his defence Jones said he sheltered Johnston and supplied him with victuals, because he was afraid to resist his demands. But his plea was not deemed sufficient excuse for the offence, and the Bench ordered his ticket to be taken away and him to be “turned in to Government,” i.e., returned to the Government gang of convicts to finish his original sentence.

#### FRUITLESS ATTEMPTS.

The Bathurst district during the twenties was never without its share of bushrangers, mostly convicts who were tired of their lot as assigned servants. They were not criminals of the wilfully brutal Tasmanian sort, but stole provisions and clothes here and there from outlying huts to supply their daily needs. A few samples may be given here.

At about the same time that McAuliffe was being judicially “trapped,” a prisoner named Charles Jubey ran away from the Bathurst settlement and took the bush, in the hope that he would fall in with a small band of absconders who were supposed to be enjoying quite a picnic somewhere up the river, away from the restraints of Government rule. But his search for them was fruitless, and not having arms he was afraid

to rob on his own account ; hence he wandered about the bush for nearly a month until well nigh starved, and then decided to give himself up. He was proceeding to do this when he was seen by three good-conduct prisoners, named Good, Harrison, and Butterfield, who had set out in search of the runaways, and who pounced upon him and conducted him in triumph back to the settlement. When brought before the Bench he pleaded that he had run away because he was "so harassed and torn about" by his keepers, but confessed that he had "a belly-full of it" (queer metaphor for a starving man to use!) and that he was on the way to deliver himself back into the hands of his task-masters, when the three hunters found him.

The Court would not believe that he had no knowledge of the other men who were roaming the bush, and sought to bribe him into a confession ; he was accordingly found guilty and sentenced to 75 lashes, on the understanding that he would be let off if he told where the bushrangers could be found.

Poor Jubey had to take the six-dozen-and-a-quarter strokes at the then well used triangles in the flogging yard.

In those days magistrates required very little convicting evidence, and prisoners could not command the services of any counsel. Note the case of Richard Carter, to wit. He is described as "prisoner per ship *Minerva*, late servant to Richard Lewis," and was brought up for being at large in the bush. The only evidence taken against him before the Bench was that of Sergeant Wilcox, of the Buffs, and Mr. Cheshire. The former stated that when he was at Davey on the 7th March, 1826, he received information that a bush-

ranger was on the road to Handowey Plains in company with Mr. Fitzgerald's stockmen and drays that were going down. The sergeant and his party at once went in pursuit of him, and found him on the 12th at Handowey Plains in Mr. Fitzgerald's hut, with the overseer and men. He took him prisoner and brought him to the settlement. Mr. Cheshire simply stated that he knew that prisoner had been the servant of Mr. Lewis. Having heard this much the court sentenced Carter to be sent to Port Macquarie, or such other settlement, etc., for the term of three years.

#### SOME AUSTRALIAN "MEN IN BUCKRAM."

The Bench of Magistrates at Bathurst was called upon, on 1st March, 1826, to hear a remarkable story from the lips of Roger Keenan, prisoner per ship "Mangles," overseer at Mudjee for Mr. Lawson. Keenan said that he was going to Mudjee about a month before, after nightfall, Mr. John Lawson riding before him on the road, and when within about three miles of the station, three men started from the edge of the river quite naked, each of them being armed with a gun and pistol. They ran past deponent, and then turned and went round him, telling him to "stand, or they would blow his brains out." Deponent stood, of course, but called out to Mr. Lawson to "come back and bring the soldiers." He returned, and deponent at once jumped off his horse and presented his pistol at one of the men; but the four men presented their muskets at him, and one of them desired him to lay down his arms and promised that he should not be touched. Mr. Lawson then galloped away, leaving his pistol and some clothes on the road; and deponent

did not see him again until the following day. Deponent was obliged by the men to give up his pistol; and they then took his other pistol from the holster, while one of them—a tall, straight man—presented his musket and threatened to shoot him. The whole party consisted of seven men all dressed. Deponent did not state how he got away, but passed on to tell what happened on the following Sunday night. Four men, he said, came to the hut at the station a little after dark. They stood at the door and shouted, and then one of them entered and put fire three times to the thatch of the hut to burn it. When they left they took away with them  $5\frac{1}{2}$  lbs. of tobacco, 9 lbs. of soap, and some thread. In answer to a question, deponent said that he had not heard of any Wellington runaways being at Mudgee, and that he thought there were only seven in the bush.

There is nothing on the records to show what the magistrates thought of this story, or whether they were moved to take any action through its narration. Perhaps the glaring contradictions that fell from Keenan's lips satisfied them that there was something of the "cock and bull" about it. First he said he saw three men, quite naked; then four presented their muskets at him—what they did with the pistols meanwhile he did not explain, although explanation was necessary, seeing that they had no pockets to put them in; then seven men, all dressed, demanded that he should give up his arms. It was all very funny, to say the least of it.

#### A REPORT.

Frequent reports of night raids by bushrangers

were made to the Bench about this time, but nothing came of them. Here is one:—On the morning of 6th April, 1826, Thomas Burns, servant to the overseer of Rev. S. Marsden, was milking the cows at the station at Campbell's River, about an hour before daylight, when he saw two men near the hut. He went forward and then saw the men going through the pumpkins, they having robbed the hut. He followed the two men as they ran, and recognised one of them as Denis Nowlan. Getting near them he called to them to leave him a part of the "swag." Nowlan's mate then turned round and said that if deponent did not go back he would blow his brains out. Deponent went back as requested and then sent information to Lawson's place. Some hours afterwards the two Lawsons came over with some blacks, but they were unable to find the robbers. The articles taken from the hut consisted of five shirts, two pairs of trousers, seven and a half yards of factory stuff, a musket, a quantity of tea and sugar, three razors, 9 lbs. of soap, some thread, two quart pots and two pairs of new boots. This formed a large haul, for in those days all of the articles enumerated were both scarce and dear.

### A BOLD ROBBERY AND A SMART CAPTURE.

In July, 1826, Johnston, Jennings, and Carter, three assigned servants of a settler near Bathurst, determined to take to the bush, and lead a merry life as freebooters. They left their master's place during the night, with three dogs, two guns, and food to last three or four days. Their first visit was to Tindall's station at Warren Gunyah, where they "lifted" three

horses. From this station they proceeded to the station of Mr. Bowman, where Jennings kept the hut-keeper under cover of his gun while Johnston and Carter proceeded to ransack the place, the trio subsequently departing with four shirts, two pairs of trousers, some wheat, a great coat, and a musket for the man who was unarmed, threatening the hut-keeper with dire vengeance if he followed them. At Fitzgerald's sheep station they helped themselves to a large portion of his flock, nearly frightening the life out of the shepherd who was minding them. They drove away 52 sheep altogether, and headed with their spoils through the bush to Tubrabucca Swamp. But in the meantime word of their depredations had reached the ears of the authorities, and Sergeant Wilcox and his men, accompanied by Mr. Tindall and Mr. Wm. Lee, started out in pursuit. The pursuit party followed the tracks to Tubrabucca Swamp, where they camped for the night. Next day they followed the tracks for about 20 miles, but could not see anything of the bushrangers, but the day following they overtook and surprised them when lying down in a gully in camp, in the midst of their spoils. The attack was so sudden that they could not make any resistance, and they were brought by easy stages into Bathurst, where they were formally committed to the Criminal Court in Sydney.

What became of them will be seen from the following Government Order, which was issued from the Colonial Secretary's Office in October following:—

#### GOVERNMENT ORDER.

The execution of Thomas Mustin, Daniel Watkins and

John Brown is to take place at Burwood on Monday morning next; and the execution of Matthew Craven and Thomas Cavanagh, on the Western Road, in the neighbourhood of Parramatta, on the same morning.

The prisoners will move from the Gaol in Sydney, at 6 o'clock, under a military escort, to the place of execution.

The road parties in the neighbourhood will attend at the places pointed out, according to the orders communicated to the inspector of roads.

The garrison of Parramatta will be under arms; and the prisoners in the employment of Government at that place will be taken to the Western Road, to witness the execution.

James Moran and Patrick Sullivan are to suffer at Irish Town on Wednesday.

The bodies of the whole of the criminals above alluded to will remain suspended during the day.

Johnston, Jennings and Carter, who formed part of the gang of bushrangers at Bathurst, are under orders for transportation to Norfolk Island, where they are to be worked in chains during their lives.

John Sullivan, the only individual of this banditti who had not been apprehended, finding it impossible to elude the vigilance of the mounted police, has lately surrendered himself into the hands of justice.

The Governor would willingly hope that the examples thus held up may have the effect of deterring the evil-disposed from entering on a course of crime, which must infallibly end in their ruin. The unfortunate men, now about to suffer, had indulged, for a time, in rapine and outrage; but let it be remembered they have, in no one instance, enjoyed or derived any benefit from their plunder. It has all been recovered; and after leading lives, burthensome to them, as is proved by the voluntary surrender of one of the party, they have become victims to the injured laws of their country.

By his Excellency's command,

ALEXANDER M'LEAY.

Another Government Order bearing on the case was issued. It reads as follows:—

#### GOVERNMENT NOTICE.

The Governor has again the satisfaction to notice the successful exertions of the mounted police, under Lieutenant Evernden, at Bathurst.

A party of bushrangers, armed with muskets, have been taken, after pursuit of three days. They had seized some horses, and were driving off a number of sheep, having a native woman and her child with them.

These people (two of whom, Carter and Johnston, are notorious offenders, having escaped from an escort in March last) were promptly pursued, in consequence of the information given by Mr. Tindall, whose establishment they had plundered, and who, together with Mr. Lee, and two natives (who are reported to have been extremely useful on this occasion), accompanied the mounted police, and by their activity contributed to the success of the party.

Had Mr. Robert Fitzgerald been as prompt as Mr. Tindall in giving information to the commandant at Bathurst, when first his horses were carried off, and not have depended on the bushrangers returning them, as they appear to have promised to do, or waited until they repeated their visit and depredations, before he represented the matter, his horses probably would also have been recovered.

Mr. Tindall is rewarded by the restitution of his property, and the acknowledgments which are due to his spirited and manly conduct; and he may be assured that he will always receive from Government the assistance and support which such conduct merits.

Those who, from supineness or any unworthy motive do not at once come forward, but acquiesce in the aggressions of the bushrangers, in the hope of conciliating them, will meet the merited reward of their baseness by being Plundered by those whom they have endeavoured to screen, and being held up to the just Reprobation of the Public.

As to the Bushrangers who have been so active in the Bathurst District, another Example has been recently made, Hostle having suffered the awful Sentence of the Law. Those who are disposed to pursue this Course of Life should be aware that the present Arrangements of the Troops, and the Exertions of the Government, promoted as these are by the Vigilance of the Magistracy, and the Loyalty of the Inhabitants at large, leave them, in fact, no Chance of Escape. Even those who, having been apprehended, have evaded the Vigilance of their Guard, and absconded a second Time, have been apprehended.

The Government is pleased to add that, when the above Intelligence was sent from Bathurst, a Party of the Mounted Police had been dispatched in Pursuit of a second Gang of Bushrangers, who had carried off Cattle from Mr. West's Station, and it was expected would be immediately overtaken. This Party was accompanied, as the former, by some intelligent Natives, whose Zeal and Fidelity are highly spoken of.

\* \* \* \* \*

By His Excellency's Command,

ALEXANDER M'LEAY.



## SULLIVAN'S GANG.

A party of bushrangers known as Sullivan's gang created a great stir in the Bathurst district for nearly six months, all attempts to capture them during that time proving futile, although reports of their raids on the stations around were frequently received. Their number was variously stated as anything from three to eight, but only five were taken by the authorities, who effected the capture through one member of the gang giving himself up and turning Queen's evidence. They were absconders from the mountain gang. The report of their trial makes interesting reading, and is so typical of the conduct of these escapee bushrangers that it may be given here in full. Three of them—James Moran, per ship "Isabella"; Matthew Craven, per ship "Guildford"; and Patrick Sullivan, per ship "Brampton"—were charged with being "at large in the bush, and for serious robberies and misdemeanours":—

Thomas Evernden, Lieutenant of the Buffs, being sworn, states that on the 2nd March, about 2 o'clock in the morning, Jeremiah Burns, a bushranger, was brought to deponent by the chief constable, and he said he had some information to give respecting the gang to which he belonged; deponent had Burns' depositions taken before him in consequence of this information, and then proceeded with Burns and a party of the mounted police into the mountains at the top of Windburndale Creek, where they succeeded in securing a quantity of property in a bark hut. Deponent produced the property there found.

Jeremiah Burns, the bushranger who had given himself up, was then sworn, and stated that when the prisoners escaped from the soldiers, between the weatherboarded hut and Springwood, he (Burns) lost his companions; he reached the top of Windburndale Creek on Christmas Day, and four or five days afterwards he joined the three prisoners—Sullivan, Craven and Moran; deponent went with them from the Windburndale to Mr. Lee's station, on the Turon River, from which place they took a fowling piece, a sheep, two old

jackets, two blankets, and a pair of shoes; on last Thursday week they went to Hayes' station at the Fish River and took two sheep, a new great coat, 15 lb. or 16 lb. of flour, a gun and two pairs of half-boots; the following night they went to Andrew Gardiner's station and took a piece of linen, three or four pairs of shoes, two new Parramatta frocks, two guns and a bayonet, one brass-handled pistol, one common horse pistol, some fine white shirts, the woman's blue coat, a blue body coat, two blue jackets, one velveteen ditto, a suit of Tartan plaid, three white stockings, and four or five canisters, supposing them to contain powder, but it was only found in one of them; previous to entering the hut Moran set fire to the thatch above the kitchen window, while Craven made a hole in the window with his musket and fired in; deponent put out the fire on the thatch and Moran struck him for doing so; about the second Saturday after they drove Mr. Innis' bullocks up the creek, and Moran fired at one and struck him on the head, but he got away. About three weeks ago they went to Mr. Perrier's station, at Antonio's Creek, and took two sheep; they went to the door of the hut but did not go in; Sullivan and Moran told him that before he and Craven joined them they robbed Blackman's station and took two sheep, two pairs of half boots, a bag with a name which he believes was Mr. Blackman's, some ammunition and other things which deponent does not know; they also told him they had robbed Mr. Jones' station and took two lambs, two pairs of half boots, some powder and shot in a skin pouch, a small powder horn and some clothes; this robbery took place while deponent stayed behind in the bark hut on the Windburndale, being unwell at the time; last night the whole party went to Mr. Ranken's for the purpose of being joined by Maurice Connell and another man at the creek side in a hut of Mr. Ranken's, below Mr. Thompson's farm; Sullivan told his party that he was told by one of Mr. Ranken's men that his (Sullivan's) brother and Maurice Connell would join them at the hut, and it was the intention of the party to shoot a man of Mr. Lewis' and drive away the flock of sheep; Sullivan first asked deponent to shoot this man, and then Moran also asked him, but he refused to do so; Craven then said "Everyone of us will have a blow at him"; deponent told Sullivan that if he had any intention of committing murder he (Burns) would not be with him, and in consequence he made his escape, and as he was doing so one of the party snapped the gun at him, which burned priming; deponent then gave himself up; the three men placed at the bar were the identical men who committed the depredations with him.

William Leister, servant to Mr. Marsden, states that on

Police



Department.

ISLAND OF  
VAN DIEMEN'S LAND  
(TO WIT)

No. 15.  
Police Office Register.

WHEREAS *William Hill*

a Convict

has been ordered by His Excellency  
the Lieutenant-Governor (for arriving  
with the Bushrangers, East Jones  
and Haveragh) to be deprived of his  
Ticket of leave and sent to Port  
Arthur for twelve *Months* for the transportation  
and *Conduct* to be reported

Ship to this Colony.

*Chapman 2*

He is now ordered by His Excellency the Lieutenant-Governor *to be*  
*forwarded to Port Arthur*  
*accordingly*

Original Sentence.

THESE are therefore in Her Majesty's name to command you and  
every of you the said Constables forthwith to convey and deliver him  
into the custody of the *Chief Constable* at *Port*  
*Arthur*

who is hereby required and commanded to receive the said *William*  
*Hill* to be dealt with according  
to the said *Order*

Trade *Farmers*

*Laborers*

Given under my hand and seal at *Port Arthur*  
aforesaid this *Twelfth* day of *April*  
in the year of our Lord One thousand eight hundred  
and forty *Three*

*W. H. H. H.*

PRISONER'S REMOVE WARRANT (SPECIAL).



the 16th February last, about 1 o'clock in the morning, he saw four men come to Mr. Gardiner's house; before they came in a shot was fired in at the window and another at the door; they burst the door open and desired deponent to go up and down the house with them; they said they only wanted ammunition and muskets; they made deponent sit down and covered his head; they then took away a quantity of property; before they went they shut deponent and Mrs. Gardiner into a room and said if they made any alarm they would blow their brains out; before they entered the house he heard one of them say "Let's rob the place—take all they have." Craven was one of the men who came into the house; they took three canisters and a horse belonging to deponent, and blankets, jackets, trousers, boots, etc., belonging to Mr. Marsden.

Sarah Gardiner states that she was awakened by hearing a great noise and immediately called the man who lived in the house; he desired her not to be afraid, as nothing was the matter; a few minutes afterwards four men entered the house by forcibly bursting open the door and firing a shot through the window; when they came in one of them asked who was there and whose station it was; deponent said it was Mr. Marsden's; they then asked her where her husband was, and when she said he had gone to Bogie station they replied they knew that; they said they only wanted muskets and ammunition, and if they got these they would not take anything else; they went into the bedroom and opened the box, from which one of them took a black hat, saying it was a very good one; they made her sit down on the sofa, and when she complained of being cold, one of them brought her a shawl and made her cover her head and dared her to look up; they asked for tea and sugar; one man stood at the door with a musket in his hand; Craven was that man; they took of her property some blankets, sheets, riding habit, 27 balls of cotton, a hank of thread, a table cloth, five shirts, and other things.

The prisoners were fully committed for trial, but before being sent to the Criminal Court they were charged with other offences, and the following evidence was given:—

Sergeant Wilcox, being sworn, states that it having been reported that some of Mr. West's cattle had been stolen from the run, he took five men and started out for the station; they searched for the bushrangers for three days, following their tracks to the Abercrombie River, when they observed where the horses had crossed; they then came up with three men, who were in a temporary bark hut; the party rushed forward and captured the three, named Cavanagh, Moran, and Craven;

there was a considerable quantity of property lying on the ground and three horses near, with saddles, bridles, three firelocks, two pistols and a sword; knowing that there were two others belonging to the gang deponent and three men went to watch for their return to the camp, leaving the other two guarding the three prisoners; deponent had some natives with him, and between 7 and 8 o'clock at night the natives said they could hear the cracking of whips; the party then planted themselves, and presently deponent heard the voices of two men driving cattle; he recognised one of them as Sullivan and heard him say to the other man, "Stay where you are and I will go up to the hut;" one of the party along with deponent then seized Sullivan, who was on horseback, and took him prisoner; on searching him they found a pistol stuck in a belt around his waist; the man that had been along with him made his escape; the party afterwards marched the prisoners to Bathurst; the prisoners said after their apprehension that if they had been all together they would have fired on the police, but being only three they considered it of no use.

Private George Eccleston deposed that he it was who had seized Sullivan; he had been planted behind a tree and as Sullivan passed him he sprang out and seized him by the breast, threatening to blow his brains out if he did not dismount; Sullivan then got off his horse and was secured.

Robert Fitzgerald deposed that when he was at Mr. Innes' station at Capertee about a month before two men came to the hut, the time being about midnight: one of them entered the hut and asked whose place it was, and if there were any strangers there; deponent said he was a stranger, and the man then went out to where his companion was standing; the blackboy, who was in the hut, told deponent that the men were loading their muskets, and shortly afterwards they both entered the hut; they asked who owned the horses outside and deponent said he did; they said they must have two to go a piece of a journey, and they then took the saddles and bridles out of the hut and put them on the horses, saying that they would return the horses in two or three days if they would not report: deponent agreed not to report if they brought them back when promised; they then went away; deponent identified two of the horses taken with prisoners, also the saddles and bridles, as those which had been stolen; on the third day after the robbery deponent went to Bogie, and there again he fell in with the two bushrangers, Cavanagh and Craven, who were in the hut; deponent went into the hut, but shortly afterwards went back to his horse, when Cavanagh followed him and ordered him to return; the two men then took two guns from the hut, the property of

Mr. Marsden, and when they left they also took two of Mr. Marsden's horses.

Jolin Brown stated that a few days before Fitzgerald had been stuck up he was sitting in a room with his wife and child at William Brown's head station, about 4 o'clock in the afternoon, when five or six armed men suddenly entered the house; they ordered deponent out and he said he would go if they promised not to harm his wife and child; the men then ordered the three of them into the kitchen and shut the door upon them, posting a sentry at the door, while they ransacked the place; they gathered together the following articles:—4 night-gowns, 2 shirts, 2 jackets, 1 silk waistcoat, 1 white waistcoat, 2 pairs of pantaloons, 1 velvet cap, 12 handkerchiefs, 5 pieces diaper, 1 tablecloth, 5 remnants of nankeen, 1 knife, 5 towels, 1 green cloth, 2 coats, 1 gown, razorstrop and shaving box, 1 chemise, a bundle of thread, a looking-glass, a ball mould, a pair of garters and a sword; they then went to the overseer's hut and burst open the door of his chest, taking a quantity of ammunition, lead, tobacco, cheese, and some wearing apparel; deponent identified Moran as one of the men and Cavanagh as another, the latter having said to him "Don't let anyone leave the place to-night, or he will be a dead man"; they then took a horse and left; the property which they took away with them deponent valued at between £300 and £400.

Richard Waits, prisoner per "Marquis of Hastings," and servant to Sir John Jamieson, deposed that the two men who had been identified by Fitzgerald came to his hut at Capertee and took away a brace of pistols, some gunpowder and a quantity of sugar, also a horse from the yard, all the property of his master.

Dalmahoy Campbell, on oath, states that he was at Capertee in the beginning of June on his way to Mr. Innes'; he stopped at Sir J. Jamieson's station between 2 and 3 o'clock in the morning, and while there some men rushed into the hut; they told him to cover his head and asked who he was and where he was going; they told deponent and the people in the hut to deliver up all the ammunition they had; deponent said he had no ammunition, and one of the men reached over his head and took down a fowling-piece; they then went to the dray and took 150 lb. flour, half a canister of gunpowder, saddle and bridle and other things; some of these things were among the property produced; after they had taken deponent's gun they went into the next room and asked the men what sort of a man he was, and when they said he was a good man they gave him back his fowling-piece; as they were going away one of the men said "I hope you

won't take the horses," and they replied "—— the horses, we'll take them if we want them."

Another witness named William Kent identified Cavanagh and Craven as the men who had stolen the horses and property from Fitzgerald's.

The prisoners were committed on these charges also, and were placed in the lock-up, but by the aid of friends and sympathisers outside they managed to make a hole in the wall of their prison and escaped. Patrick Sullivan and Moran were, however, shortly afterwards re-captured, and John Sullivan, the bush-ranger who had escaped when his brother was first taken, gave himself up. The two former were transmitted to Sydney, tried, convicted, and hanged at Irishtown in October following, their bodies remaining suspended during the day. Craven and Cavanagh were executed two days before on the Western Road, as mentioned in the general order already given.

#### THE MOUNTED POLICE AND THEIR DUTIES.

This part of the subject should not be closed without reference to the Mounted Police—the force specially charged with the suppression of convict outrages, which operated efficiently in the days of which I have been writing. The force was drawn chiefly from the infantry regiments serving in Sydney, and was first established in 1825, when Governor Brisbane held the reins. At the time of its establishment it consisted of 2 officers and 13 troopers only, and these were chiefly occupied in the district near Sydney. In 1839 they had swelled to 9 officers, 1 serjeant-major, 156 non-commissioned officers and men, with 136 horses, 20 of the troopers being footmen.

The officers were magistrates, and the body was



subject to military law and discipline, although appointed to serve as police. They were armed with sabre, carbine, and horse pistols, and were dressed in light dragoon uniform. The headquarters division consisting of the commandant, the adjutant, and about 25 men, was stationed in Sydney, and the officers of divisions at important inland posts, with small parties on all the main roads. On the whole the troopers carried out their work intelligently and efficiently. Occasional complaints were made that they treated roughly settlers who chanced to fall under their displeasure; but we may excuse men who were hampered in the pursuit of their difficult calling by the very persons to whom they would naturally look for assistance, and not wonder if they sometimes "made it warm" for anyone who seemed to be in sympathy with the convicts they were looking for. At times they were subjected to great privations, and were exposed to great danger; but they generally succeeded in running down the outlaws and bringing them to justice. Theirs was a hard, unthankful task, performed cheerfully and well.

So frequent had been the escapes and so numerous the raids by bushrangers in the central and country districts at this time, that special efforts had to be made to cope with the evil, and the Governor ordered a general distribution of the troops in the disturbed districts. Hence the following Government Order was issued from the Colonial Secretary's Office on March 21st, 1826:—

The Governor has been pleased to direct that the following copy of a general order, which has been issued to the Troops, shall be published for the information of the Public at large.

His Excellency requests that the Magistrates and Gen-

lemen of the country will use their endeavours to promote its Circulation. It is no less desirable that the Settlers should be informed of the Means that are adopted for their Protection than that the Disturbers of the Public Tranquillity should be apprized that they will be pursued with unremitted Perseverance.

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COPY OF GENERAL ORDER, NO. 29, DATED 21st  
MARCH, 1826.

1st. The Lieutenant-General has been pleased to order the following Distribution of the Troops, with a view to aid the Civil Power, and the more effectual putting down the Bushrangers, who, notwithstanding the recent Examples, have, it appears, re-commenced their depredations.

2nd. The Range of Country within the Mountains will form the Parramatta District; that beyond, on the line of Communication to Wellington Valley, will be designated the Bathurst District.

3rd. A Field Officer will be stationed at Parramatta and another at Bathurst, those places being established as the Head Quarters of the respective Districts. In the first instance the Detachments under the former will be stationed at Windsor, Emu Plains, Liverpool and Campbelltown; those under the latter will be posted at Wellington Valley and Molong Plains, to the north of Bathurst; and from thence to the Southward and Eastward, at Cox's River, Weatherboard Hut, and Springwood; such other Parties are to be detached by the Commandants as circumstances may render necessary.

4th. The Officers employed will immediately put themselves in Communication with the Magistrate in the neighborhood of their Posts, with whom the Lieutenant-General desires they will be pleased to co-operate to the utmost of their Power. And He further recommends that they should attach some of the most intelligent of the Natives to their Parties, as these People may be made extremely useful, if properly employed, in tracing the Bushrangers and discovering their Haunts. It will be left to the Discretion of the Officers to Reward the Natives according to their exertions; for which purposes some slop Clothing will be put at their Disposal, and they will be at Liberty from Time to Time to furnish them with such provisions as they may require when employed.

5th. The Commandants will visit their detached Stations occasionally; the Officers in Charge will be held responsible for the proper Conduct of the Men under their Orders; and the Soldiers will recollect that the Service they are now called on to perform is an important one. The Tranquillity and

Prosperity of the Colony will be promoted by their Attention to their Duty. Their Employment will give Confidence to the settlers even in the Remote Districts; and the Lieutenant-General trusts that their Regularity and Good Order will confirm this feeling. Should they disregard this Warning, and Misbehave, the Commandants will be furnished with Means, and they are hereby Ordered to punish Offenders on the Spot.

6th. The Officers and Non-Commissioned Officers in charge of the Detached Stations will report Weekly, or oftener, as may be necessary, to the Commandant, who will report, in like manner to the Major of Brigade, for the information of the Lieutenant-General.

7th. The Commandants will make a point of seeing the General Order, No. 5 (herewith annexed) read to the detachments as directed.

A reward of £10 sterling will be given for the Apprehension of any Person who shall be convicted of Robbery, or have been guilty of any Violence; and £20 sterling for all such Persons as shall have been convicted as Receivers of Stolen Property.

(Signed) H. GILLMAN, Major of Brigade.

By His Excellency's Command,

ALEXANDER M'LEAY.

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COPY OF GENERAL ORDER, NO. 5, DATED  
JANUARY 2, 1826.

1st. The Lieutenant-General calls the Attention of Officers in Command of the Penal Settlements and other Detached Stations, to the Consequences which must result to the Service, from any intimacy being permitted between the Soldiers and the Prisoners of the Crown; and they will be pleased to take the necessary steps for putting an immediate stop to it.

2nd. It is hoped that the Soldiers themselves are alive to the Distinction which exists, and which it is of Importance should be preserved between them and the Convicts. They must not indulge in any Familiarity with them. Such intercourse would be inconsistent with the proper discharge of their Duty, and highly injurious to the Public Service.

3rd. The Soldiers are not, however, to suppose that the ill-treatment of a convict would be passed over with impunity. The Lieutenant-General assures them, that any such Act would be promptly and severely punished. It would be as unbecoming the character of a British Soldier, as an indiscriminate association with Men under the Sentence of the Law would be derogatory to it.

4th. The foregoing is to be considered a Standing Order, and to be read monthly to the Corps and Detachments, with the Articles of War.

5th. The Officers in Command of Penal Settlements and Detached Stations will consider it their especial duty to see it strictly enforced.

(Signed) HENRY GILLMAN, Major of Brigade.

#### PROMPT MEASURES.

Immediately after this a remarkably significant Government Order was issued. It read thus:—

#### GOVERNMENT ORDER,

Colonial Secretary's Office,

March 6th, 1826.

His Excellency the Governor, feeling that the Tranquillity of the Colony, and the Safety and Preservation of the Lives and Property of the Inhabitants, imperiously demand that Measures should be promptly adopted for preventing a repetition of the daring Outrages which have recently been committed, has directed that, in Addition to the Execution of William Corbett, who suffered this Day, the awful Sentence of the Law shall be carried into Effect To-morrow Morning, at Nine o'clock, on the Following prisoners who were condemned on Monday, the 27th Ult., viz.:—

CHARLES PATENT,  
PETER ROBERTS,  
DAVID McCALLUM,  
WILLIAM MORRISON.

The Governor has further directed that the Persons hereinafter named—viz., Darby Haggerty, Ralf Howe, James Bayley, James Laragy, William Turner, Richard Johnson, Christopher Henderson, William Higham, Jacob Parter—who have been convicted as Receivers of the Property Stolen by the Banditti abovementioned, and who have been sentenced to be transported, shall, after witnessing the Execution of their Accomplices, be immediately removed to the Phoenix Hulk, under a Military Escort, and be forwarded from thence, by the first Opportunity, to Norfolk Island, there to be confined during the period of the Sentences.

His Excellency has also directed that the Men at the Convict Barracks, and those who are allowed to sleep out, shall be assembled and attend the Execution.

The Troops in Garrison will Parade for the Purpose of Preserving Order.

The Governor is willing to hope that the Example, which a due regard to the Peace and Tranquillity of the colony under his charge has obliged him to make on this occasion, will put an immediate stop to the lawless Proceedings which have lately kept the Inhabitants of the Country District in a state of Anxiety and Alarm.

The inducements to Plunder, which lead to Murder and other Atrocities, would be much diminished were the Receivers of Stolen Goods prevented from pursuing their nefarious Traffics. These People are the Root and Foundation of the Evils which have been experienced, and the General Safety and Tranquillity of the Colony require that all classes should heartily unite in exterminating them. The Public Welfare demands the Exertion of every Honest Man for the Attainment of this Object; and the Governor pledges himself to Reward liberally, and in a Manner which may be most agreeable to the Individual, as far as may be consistent and practicable, any person who shall be instrumental in bringing a "Receiver" to Punishment.

His Excellency, in expressing his unaltered Determination to punish, with the utmost severity of the Law, any person who shall be convicted as a "Receiver of Stolen Goods," takes this opportunity of warning those who are so employed, that such of them as shall be convicted will, without exception, be sent to Norfolk Island, which Settlement has been allotted for their confinement, and for that of the malefactors who have forfeited their Lives. And, in order to render the example now made as effectual and impressive as possible, the Governor declares, in the most solemn manner, that he will on no account mitigate or remit the sentence passed upon any Receiver of Stolen Goods.

By His Excellency's Command,

ALEXANDER M'LEAY.

It will be seen that the authorities were very determined to put down the class known as "receivers," whose existence furnished an inducement to robbery. Years before this strenuous efforts had been made to suppress them, but without success; and they carried on their nefarious calling right under the noses of the authorities. Judge Therry in his "Reminiscences" has something to say on this point. In the earlier days the principal thoroughfare in Sydney—George-street—was remarkable for the number of its jewellers'

shops, and the learned judge hit upon the most reasonable solution of the mystery. He says:—

This display of splendour was, after all, but a very natural result of the convict element in the town. The receivers of stolen plate and articles of bijouterie in England had chosen Sydney as a safe depot for the disposal of such articles, as agents for such a purpose might at that time easily be found there. A lady, the wife of an officer, wore a valuable gold comb, which was snatched out of her hair on coming out of



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the opera one night in London. The thief escaped, and no trace was found of the missing article in England. Two years afterwards—about 1825—the lady joined her husband in Sydney. On the first day she walked out she was attracted by the display of brilliant articles in the shop of a well-known jeweller of that period. The first article that caught her eye, prominently displayed, was the identical stolen comb. She communicated the fact to her husband, and they visited the shop. Terms were proposed, either that the name of the consignor of the property or the property itself should be given up. The shopkeeper did not hesitate a moment. He gave

up the comb rather than disclose the name of the party who sent it to him, probably aware that, on the disclosure of how and where he obtained it, all the other articles in his shop similarly obtained might be subjected to a compulsory surrender. The Sydney confederates return the compliment to their London allies by melting down stolen silver, and sending it to England. One fellow, however, was caught from not having had quick recourse to this notable expedient. Though for the "respectability of the trade," as he alleged, he joined a portion of the public in offering a reward for the discovery of an extensive robbery of plate, a sharp constable knew his man too well to trust him. On searching his premises a plate-chest full of the stolen property was found concealed under his counter. The benevolent contributor to the fund for the detection of crime paid a seven years' visit to Norfolk Island on account of his participation in the plunder.

So flourishing was this business, and so effective a temptation to those inclined to take that which did not belong to them, that stringent laws were passed to correct the evil. And there is a law still on the Statute Book of the colony which provides a heavier penalty for the receiver than it does for the thief.

### THE INSURRECTION AT BATHURST.

The climax of convict bushranging in the Bathurst district was reached in 1830 by an outbreak which created a great sensation throughout the whole colony. It was in reality a convict insurrection, and deserves a chapter to itself.

In September of that year eight malcontents on the farms of Evernden and Liscombe deserted in a body, and having armed themselves with stolen guns, pistols and ammunition, traversed the district in all directions, compelling the convicts to join them, and seizing for the use of these conscripts all the arms they could reach.

Their first visit was to the farm of Mr. Evernden (then Police Magistrate of Bathurst), near Wimbledon.

Here they intended to "pay out" the owner for having ordered the leader of the gang a flogging some months before for a very trivial offence. Fortunately for Evernden, however, he was away from home at the time; but his convict overseer confronted the gang and foolishly dared them to shoot him. "Join us," said one of them, "or we'll do it," and at once shot him through the breast, leaving him dying on the floor of the hut.

By intimidation and persuasion quite a large force was collected—one unofficial statement gives the number as eighty, but I cannot find any verification of this. All were more or less armed. It is said that some of the young native-born white residents had at first agreed to join them, hoping to turn the tables upon the authorities, whose hard and rigorous rule had made convict life almost unbearable; but these free-born youngsters grew timid in the end, and refused to join the "rising."

Disaffection and fear also soon broke up their ranks, and the laggards were allowed to return to their employment and their homes, until thirteen only were left in the band; but these were all well armed, and most of them men of desperate character.

When reliable intelligence of this bushranging organization reached Bathurst a meeting of the inhabitants was convened by the magistrates and held on 27th September in the Court House. It was resolved to form immediately a corps of volunteer cavalry, for the protection of the inhabitants of the town; twelve gentlemen at once enrolled themselves, the late Mr. W. H. Suttor being appointed commander,



on the recommendation of the commandant of the district, Major Macpherson.

The volunteers lost no time, and at five o'clock the same evening were ready to march. Just at that hour intelligence was brought into the settlement that the bushrangers had made their appearance at Camp-



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bell's River, and had robbed Mr. Arkell's station. The little force set out, and, pushing on at a smart pace, reached the station just before daylight next morning. By this time the bushrangers were gone, and the volunteers, hastily partaking of refreshments, pushed on after them. Mr. Suttor here met with two friendly

aborigines, who were persuaded to act as guides, and tracked the fugitives to a rocky glen on the Abercrombie River.

It was nearly sunset when the volunteers came in sight of the camp. They dismounted under cover of the trees, and prepared for instant action. A small detachment was sent round by Mr. Suttor to make an attack in the rear, while the main force charged in front; but one of the men sent round dislodged a stone when climbing a steep bank, and so roused the bushrangers, who at once sought cover and began a determined fire upon their assailants. Although they did not anticipate so warm a reception, the volunteers returned the fire with spirit, and for fully an hour the firing was kept up on both sides. Mr. Suttor, being the leader, had several narrow escapes, as the bushrangers sought to put him out of the way first.

Two of the bushrangers were wounded in this encounter, but scrambled into a safe position, and were not then secured. The settlers, having expended nearly all their ammunition, as a last resort made a feigned charge to secure greater safety in the retreat which they saw was necessary. The ruse succeeded: a number of the bushrangers ran from their positions and the volunteers were enabled to retire with comparative safety, although the leader of the banditti rallied his men and followed the retreating party for some distance. He named those whom he wished to have shot, telling his followers not to be flurried, but to pick their men; but in calling out the names he revealed the fact that he was mistaken as to the assailants, being under the erroneous impression that Mr. Everuden was in command. The attacking party

soon regained their horses, which had been left in charge of the two blacks and a boy taken from the bushrangers, and Mr. Suttor despatched a letter to Major Macpherson, giving an account of the affair. The result was that a reinforcement of soldiers stationed at Bathurst was sent forward under the command of Lieutenant Delaney, several residents of the town accompanying them.

The skirmish with Mr. Suttor's men had not daunted the banditti, for in an encounter next day with a party of mounted police under Lieutenant Brown, who had fortunately arrived upon the scene, the latter had two men and five horses killed, and his whole force narrowly escaped destruction. The robbers owed their safety chiefly to the strong position which they occupied. The leader of the band was distinguished by a profusion of ribbons which he wore about his head, and this led the settlers to call the band the "ribbon-boys."

As soon as the intelligence of the insurrection reached Goulburn, Lieutenant Macalister, with the mounted police under his command, moved forward in the direction of Bathurst, and a few days after the events just recorded encountered the bushrangers. A sharp contest ensued, in which Macalister and several of the men on both sides were wounded, including the leader of the bushrangers. Macalister was shot in the left wrist and immediately dropped, when the leader of the bushrangers called out to his men "That's number one, boys; take 'em steady!" The wounded lieutenant at once raised his piece, and putting his broken and bleeding arm under the barrel as a rest fired and struck the leader, calling out as he

did so "That makes number two!" The assailants were, however, beaten off in the end.

Next day Captain Walpole, with a detachment of the 39th Regiment, arrived on the scene. He had been despatched from Sydney on the first intimation of the rising, and had travelled through an untraversed and almost unknown country, under circumstances which reflected the highest credit on his corps. Walpole and Macalister at once united their forces, and the insurgents, seeing that further resistance was hopeless, surrendered.

They were conducted to Bathurst, and after undergoing a hurried trial by special commission, were hanged, to the number of ten, on a large gallows erected in the centre of the town, about fifty yards from where All Saints' Cathedral now stands, and nearly opposite the present Royal Hotel in William-street. The timber for the gallows was obtained from a hill near the Rocks on the Orange Road, and for years afterwards the hill was known by the name of Gallows Hill. Six of the men were "swung off" in one batch, falling together, and four in the second. They did not die without religious attendance, for the Rev. Mr. Kean, of Kelso, attended to those of them who were Protestants, while good Father Therry, who had come from Sydney for the purpose, ministered to the needs of those who professed the Roman Catholic faith. One of them, at least, did not profit by the ministrations of religion thus granted, for just before the bolt was drawn he cried boastingly, "My old mother said I would die like a brave soldier, with my boots on; but I'll make a liar of her," and kicking off his shoes he was launched into eternity.

This was the first public execution that had taken place in Bathurst, all capital cases having previously been sent to Sydney for trial. It was a big start in the hanging line, certainly, for the young "City of the Plains."

The difficulties attendant upon journalistic enterprise at that time are well illustrated by the scant and



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uncertain news of the outbreak published at headquarters. The "Australian," a small newspaper published in Sydney, contained the following paragraph in its issue of October 1st, 1830:—"A strong body of the military was suddenly marched off from town on Sunday last, in the direction of Bathurst, with orders to act against the prisoners who are reported to have

risen between that settlement and Wellington Valley, and to be in some force under the direction of an individual who formerly held a commission in the army. The reports are various and conflicting. Some represent the Moreton Bay prisoners as having risen in a body, overcome the guard, and marched across the road by which a number of Government cattle were lately driven to Wellington Valley. Other reports state that the insurgents are confined principally to that part of the country and the vicinity of Bathurst, where several on both sides are stated to have fallen. We can as yet arrive at no authentic conclusions on this subject. As usual, many circumstances trivial in themselves are exaggerated into great important events. It seems pretty clear, however, that some disturbances of a more than ordinarily exciting character have taken place. It is what we have long since foreseen. Severity, as a rule, defeats its own end. No doubt an ill-organized, undisciplined body of prisoners may be put down by force of arms; but it is always better to avoid coming to such extremes. Were the prisoners in iron and road gangs better fed and better worked, and more judicious incitements held out to them to reform, much benefit, we are persuaded, would accrue to all parties concerned."

The bodies of the ten men were buried in what was then used as the common burial ground in Bathurst, and was situated on a rise beyond the western boundary of the town. Many years afterwards the remains of all the bodies that had been buried there (or all that could be found of them) were exhumed and removed to another cemetery, increase of population having necessitated the extension of

one of the main streets beyond the original boundary. The spot now forms the junction of George and Lambert streets, and busy traffic daily passes over the place which was once the resting place of the quiet dead.

### THE BUSHRANGERS ACT AND ITS CONSEQUENCES.

In order that the reader may understand the powers given to those "dressed in a little brief authority," or those who chose to assume it—whether convict constable or free loafer desirous of shewing his superiority over a "new chum" in any district then occupied—I subjoin a copy of the "Bushrangers Act," which was passed by the Governor and the Legislative Council in 1830. It runs as follows:—

1. Whereas crimes of robbery and housebreaking have increased to an alarming degree, and it is becoming necessary to restrain the same, as much as possible by temporary provisions, suited to the emergency of the occasion. Be it therefore enacted that it shall be lawful for any person whatsoever, having reasonable cause to suspect and believe any other person to be a transported felon, unlawfully at large, immediately himself or with the assistance of other persons, and without a warrant for such purpose, to apprehend, or cause to be apprehended, every such suspected person, and to take him, or cause to be taken, before any Justice of the Peace for the colony for examination as hereinafter provided.

2. Every suspected person taken before a Justice of the Peace shall be obliged to prove, to the reasonable satisfaction of such justice that he is not a felon under sentence of transportation, and in default of such proof such justices may cause such person to be detained in safe custody until he can be proved whether he is a transported felon or free; and in every such case the proof of being free shall be upon the person alleging himself to be free. Provided always that every Justice of the Peace may at his discretion, cause every such suspected person to be securely removed to Sydney to be there examined, and dealt with in like manner as aforesaid.

3. And be it therefore enacted that every person whatsoever who shall be found on the roads or in other parts of the

colony, with firearms or other instruments of a violent nature in his possession, under circumstances affording reasonable ground for suspecting that such person may be or intend to be a robber, every such suspected person shall be liable to be apprehended and taken before a Justice of the Peace in like manner and be dealt with in all respects as hereinbefore provided; and in every such case the proof that such firearms or other instruments of a violent nature were not intended for an illegal purpose shall be upon the person in whose possession the same shall be found.

4. And be it therefore enacted that it shall be lawful for any person on having reasonable cause for suspicion and believing that any other person may have any firearms or other instrument of a deadly nature concealed about his person to search or cause to be searched every such suspicious person; and in case of discovering any such firearm or instruments of a deadly nature apprehend or cause to be apprehended any such person and take before any Justice of the Peace to be dealt with. . . . .

5. And be it further enacted that it shall be lawful for any Justice of the Peace having credible information that any robbers or housebreakers are harboured in the county or district to grant a general search warrant to any one or more constables to search any dwelling house or tenement or other place within or reputed to be within such county or district; and it shall be lawful for such constable in virtue of such general warrant to break, enter and search, by day or by night, any dwelling place, tenement or other place, and to apprehend every person whom such constable shall have reasonable cause for suspecting and believing to be a robber or housebreaker, and to seize and secure all firearms or other arms or instruments of a violent nature, and all goods and chattels which such constable shall have reasonable grounds for suspecting or believing to be stolen, and also to apprehend all persons found in or about any such dwelling house, etc.; and all whom such constable shall have reasonable grounds for suspecting or believing to harbour or conceal any such robber or housebreaker; and all persons, arms, chattels and goods so found, seized and apprehended shall by such constable be taken before a Justice of the Peace for examination, and to be further dealt with according to law.

6. And whereas it is expected that robbers and housebreakers shall be tried and punished as speedily as may be consistent with the ends of justice, be it therefore enacted that all persons who shall be fully committed for the crime of robbing or of entering and plundering any dwelling house, with arms and violence, shall be brought to trial as speedily as possible, and being lawfully convicted and sentenced to



suffer death, shall be executed according to law on the day next but two after sentence has been passed; unless the same shall happen to be Sunday, and in that case, on the Monday following; such sentence shall be passed immediately after the conviction of such offender, unless the Court or jury shall see reasonable cause for postponing the same.

7. And be it further enacted that every person who shall be found with firearms or other instruments of a violent nature in his possession, and shall not prove to the satisfaction of such Justice of the Peace that the same was or were not intended to be illegally used, shall be guilty of a high misdemeanour, and being lawfully convicted thereof, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding 3 years.

This Act was renewed from time to time, and frequent proclamations were issued offering gratuities to convicts who should assist in apprehending bush-rangers. The authorities had good and sufficient reason to know that rogues would, without scruple, "sell" their fellows for the sake of personal gain.

#### THE TROUBLES OF EARLY EMIGRANTS.

It will be readily understood that the free portion of the population who lived in the invaded districts were greatly harassed by the marauders, whether they remained in their own homes or went on journeys. But they were not the only persons to suffer, for indirectly all travellers were made to share in the unrest and deprivations consequent upon the outrages of the convict freebooters; and their sufferings in some cases were caused by the overzeal of the authorities. On this point I will let a gentleman speak who had a large acquaintance with colonial life in those days. Mr. Harris, author of that remarkable book (now very difficult to obtain) "Settlers and Convicts," narrates some of the troubles through which he and other free

immigrants had to pass in those unsettled times. He says:—

About three miles beyond Windsor, towards Sydney, we came to a group of constables, all armed and gathered round a young man, who evidently, by his English dress, had not been long in the colony. This of course they could see as well as I could, and as there was not the slightest indication in any other point of his being a bushranger, there was in fairness and common sense no ground for supposing him anything else than a free emigrant. They, however, insisted that, as he had "no protection," they would take him into custody to be sent to Hyde Park Barracks, Sydney, the head office "for identification." It was in vain that he remonstrated; their resolution remained unshaken. The chief constable of the Windsor bench was at the head of the party, and as he knew me well by often seeing me at Mr. —'s, he asked me no questions; otherwise I suppose I should have shared the same fate. They marched the poor fellow to Parramatta gaol that night, and next morning as my fellow-traveller and myself walked leisurely on between Parramatta and Sydney, one of the constables of the former town overtook us, having him in charge for lodgment at the Sydney police-office. As we walked on together I had a long conversation with him, and with my little discrimination in such matters, was soon quite sure that his tale was a true one. He had come out to the colony to an old friend of the family who had emigrated some years before to hold a respectable public situation, but on arrival found him to be dead. After trying to get employment till everything was gone but the clothing he stood in, he had wandered on up the road toward the interior, more from the impulse of hope than of any precise expectation, and had his journey cut short in the way described.

I felt curious to know how the magistrates would deal with the case, for to me it seemed a most flagrant outrage, whilst the constables maintained it was quite legal, and in the common course of things. I had heard of such things before, but did not quite credit them. I also felt interested in the poor fellow, for I recollected how my own heart had often sunk on my first arrival, when I tried day after day to get a job without succeeding. The magistrate, Captain Rossi, long the chief superintendent of the Sydney police, sent him to the prisoners' barracks, where the documents descriptive of all individual transports are kept, but he was returned from thence as unknown. He was next sent to where he himself said he was known in town, and where it seemed to me he might have been better sent first; from thence he was brought

back by a constable, with the merchant's certificate that he had come out a free emigrant to the colony a few months previously, in a ship consigned to his house. Captain Rossi then informed him that he was discharged. The young man asked what must he do if he was again taken into custody. Captain Rossi said he should then know him again himself, and would at once liberate him. The young man said this was not what he meant; suppose he were arrested again, many miles from Sydney, what was he to do? Could not Captain Rossi give him a "pass" to protect him as he knew him to be free? Captain Rossi said no, that was beyond his province; he would recommend the young man to apply to the Colonial Secretary. The poor fellow was about to reply, when a couple of constables had him turned round, marched off, and set at liberty at the courthouse door, before one could count half-a-dozen. I confess I was puzzled to credit the honesty of referring a man in immediate necessity of such an urgent kind to an official whose aid it would certainly require several weeks to obtain, especially as the poor fellow had no home for communications to be addressed to; and I was equally puzzled to detect the difference between the manner in which this son of misfortune had been treated under the magistrate's eye with his tacit consent, and a common assault, that it was the magistrate's duty to take cognizance of judicially.

After this affair I began to think myself very fortunate in never yet having met with the same treatment; which was no doubt owing partly to accident, and partly to my having always gone well dressed. Previously to this I had seen portions of such cases, but this was the first I had had an opportunity of observing throughout. As I am very careful on so serious a point to state only what I am positive of, I shall pass over plenty more where again I merely saw portions of the affair, to go on to such as I can speak positively to throughout.

The next was in my journey, hereafter detailed, up the New Country. In passing through Stone-quarry I went into a hut, which turned out to be a constable's, to rest. A few minutes afterwards a middle-aged man stopped at the door, and calling the constable out, inquired if he knew the man who had just passed. The constable replied very deferentially that he did not; the horseman I afterwards found was one of the magistrates of the New Country travelling to Sydney. After designating the poor constable by several rather singular names, Mr. — ordered him to "be off after the fellow and bring him back." Without any further directions as to what was to be done with the man, Mr. — pulled his horse's head round and cantered off towards Sydney. The man was

accordingly brought back and lodged in gaol, where, as it was Saturday, and the court of the district over for the day, he would certainly have to remain until Monday. Some years afterwards I happened to meet this old constable in a distant part of the colony, and after calling to mind with some

## P A S S.

D. 3.

PERMIT *John Stoughton*  
per Ship *Scabellon* and

whose description and personal Signature are on the other side, to pass  
from hence to *Yates* for  
the purpose of *reporting himself on arrival*  
*to the Bench of Magistrates,*

there; and to return direct to this place.

This Pass to be in force for *seven* Days, and no longer.

Given at *Sydney* this *23* Day of *February* 1857

TO ALL WHOM IT MAY CONCERN.

*Proctor*  
*Inspector General of Police*

difficulty where I had known him before, I asked him what the man had turned out to be; he said, a free emigrant. He had been brought before the Stone-quarry Bench on the Monday, and after having been detained several days for the reply of a gentleman in Campbelltown whom he referred to as knowing him and able to recognise him by his handwriting

he was discharged, but just as in the other case I have related, without anything to protect him against the repetition of a similar outrage by some other constable the very next day.

I come to a much later period of my residence in the colony for a case: not that no intermediate ones present themselves, but to show that only so lately as within the last four or five years\* matters were becoming much worse on this point, instead of better, as one would suppose should be the case as the free population came to outnumber in immense proportion the bond. In travelling through the upper part of the Hunter I stopped a few days at one of the principal farms. During dinner the first day, the farm-constable arrested a traveller on suspicion of being a bushranger, and put him in confinement in a private lock-up, built on the farm. The man was kept there several days before any magistrate sat at the adjacent court to hear cases; and it then turned out that the man had worked for that gentleman some years before, and who recognised him and discharged him. The poor fellow said he had come free to the colony twelve or thirteen years before, and was generally arrested twice every year under the Bushranging Act. He had made application in one quarter and another for some protective document, till he was quite tired and had quite given it up. He had now made up his mind to it, and it did not affect him as it did at first. He slept the time away as well as he could, and was all the readier for work when he got out.

A native had once told me he had some time before passed seven weeks out of three months marching in handcuffs under the Bushranging Act. Having been born in the colony he had no protective document whatever. Some busy farm constable arrested him on suspicion of being a bushranger, at one of the farthest stations at Hunter's River, where he was looking for work. After being taken in handcuffs to Sydney, full 250 miles, and discharged, he went to the Murrumbidgee on the same errand, where he was again taken into custody by a soldier and forwarded in handcuffs to headquarters under the same law.

As to the practice of the mounted police (dragoons employed on the roads under the magistracy) of handcuffing men to their stirrup-iron and so making them march or rather run, it was at one time very common. I have several times heard it stated that it was at last discontinued through a trooper leaving his prisoner thus confined at a public-house door, while he went in to drink, and the horse, startled by something, dashed off and killed the man.

Whole shoals of men, both emigrant and freed, are

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\* This was written in 1846.

daily passing to and fro from one police office to another "for identification." . . . . . The farm constables are prisoners of the Crown, actually serving their sentence, who have been authorised to act ostensibly for the purpose of convict restraint on the farm. But no one questions their right to arrest under the Bushranging Act; and now that the settlers have commenced building private lockups on their own farms this really becomes a very serious matter. . . . Free men do not like being continually called upon by prisoner constables to "show their freedom" and emigrants very often have nothing to show, while at the same time their bare word will not go for a straw; and thus, after going a couple of hundred miles up the country for work, they may be marched back in handcuffs, and eventually turned adrift in Sydney without a penny in their pockets. At the same time, if it has been regularly done under "The Bushranging Act," there is no redress.

One of the worst points of the system still remains to be told: diminution of sentence is held out to prisoners as an incentive to the capture of bushrangers. Thus there is a direct premium to the convict farm constable to arrest all individuals he can affix any suspicion to by the most active ingenuity; for it will be hard if out of ten or a dozen cards there does not turn up one trump. Hence some of these fellows' entire occupation is going about peering after every labouring man they can get a sight of, and demanding his name, business and pass; in short, putting him through as rigid and often as lengthened an examination as would a justice of the peace if he were charged with theft. And as they often do this, whether by Government authority or not I cannot say, on some unfrequented bush road, with a horse pistol in hand, there is nothing that can be done but putting up with it.

## CHAPTER V.

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### THE LAST OF THE CONVICTS.

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#### "STICKING-UP" OF A JUDGE.

Judge Therry in his "Reminiscences" gives the following interesting chapter on Bushranging in the early days:—

For several years after my arrival in the colony the performance of circuit duty was a service of no small danger. It was positively perilous to venture a few miles from Sydney, in consequence of the daring of the bushrangers. It fell to my lot to have once passed through the exciting ordeal of an interview with them on the Bathurst Mountain in 1834.

At a lonely spot, on my way to the Bathurst circuit, about 10 o'clock in the morning I was hailed by two men, partially hidden behind a tree, their guns pointed at and covering the heads of myself and servant, with the cry of "Stop, or I'll send the contents of this through you!" We were at once reduced to a state of terrified submission, and did as we were bid. A few yards further on, and upon the opposite side of the road was posted a third bushranger, with instructions (as I afterwards learned) to fire upon us if we had hesitated in yielding instant obedience. On alighting from the carriage I put my hands instinctively into my pockets, the hope suggesting itself at the instant that by giving my purse I might perhaps save my life. The captain of the gang, however, a convict for life, named Russell, suspecting that I had put my hands into my pockets to search there for pistols, desired me at once to take them out, or he would shoot me on the spot. No fugleman ever performed a motion more quickly than I disengaged my hands, as directed, from my pockets, which were then rifled by Russell. This varlet, who led the gang (they were a party of three bushrangers, each armed with a double-barrelled gun and a brace of pistols in their belts) consoled me by telling me that I need not

be apprehensive for my life, and that as to the little they took I would not miss it.

In the midst of this very alarming adventure a somewhat ludicrous incident occurred. "The captain," as the others called Russell, having taken my money, my watch and chain, espied a watch and chain on my servant. He then asked me if the man, whom he ordered to stand at the horses' heads while he was engaged in robbing me, was a free man or a prisoner—that is, an emigrant or a convict. With perhaps imprudent truth, I replied he was a free man. "Then," said the ruffian to him, "give me that watch." If I had said that he was a convict that "fellow-feeling that makes us wondrous kind" would have induced him to spare the poor fellow's watch; but, finding he was not of the convict clique, he was obliged to surrender it. With great coolness and audacity the bushranger then asked my servant if the watch was one of horizontal or lever movement? My servant, probably not knowing the difference, guessed at which it was, and said "Horizontal, sir." The bushranger thereupon deliberately opened the watch and examined the works, and said "What a d—— fool you take me for; why, this is a lever, man!" Putting his hand to his hat with a low bow, as if some favour were conferred upon him, my servant replied, "Excuse my ignorance, sir, I know no better." This explanation was deemed sufficiently apologetic, and we were ordered to stand aside.

Another traveller came in view, who shared a similar fate. The treatment of this traveller showed of what little avail it is to carry arms as a means of defence. On such occasions the bushranger covers your head from the roadside with his piece, before you have time to use firearms, though you may carry them. Mr. Beaumont, of Richmond, was the gentleman who succeeded me as the next bird to be plucked and preyed upon. After taking the money and watches worn by himself and his wife—a lady just arrived from England—a brace of pocket-pistols Mr. Beaumont had in his side-pocket, and a gun strapped to the dash-board of his phaeton, they, too, were told to stand aside. A third traveller came the same way, carrying a gun strapped like Mr. Beaumont. Russell quietly unstrapped both guns and told him and Mr. Beaumont they were "a pair of fools for carrying guns in places where they ought to know they could not use them." On examination of the guns finding the last traveller's gun unfit for his purpose, Russell dashed it against the trunk of a tree with such violence as to separate the stock from the barrel, and he then flung the fragments on the roadside. He kept, however, Mr. Beaumont's—a handsome fowling-piece—which that gentleman did not carry for attack or defence. He was



taking it to his station to amuse himself with shooting up the country.\*

To other articles of plunder was added a box of percussion-caps, which the rascals found in Mr. Beaumont's pocket. We had still a further ordeal to pass through, which is termed "bailing-up." This sort of ordeal consisted in our being grouped together on the roadside, whilst one of the three bushrangers was placed as a sentinel over us, with instructions from the captain to shoot the first man who stirred without permission.

Having been thus detained for about half-an-hour, and robbed of everything it was worth a bushranger's while to take, the welcome command was given to us to "move on." These fellows were afterwards apprehended for another and still more serious robbery. They were transported to Norfolk Island, where I understood Russell became leader of the choir in the little church on the island. His fine voice, no doubt, captivated the chaplain and constituted a "case of special circumstances," and exempted him from hard labor.

Afterwards I ascertained that the three bushrangers had slept in the outbarn of the mountain hotel where I had stopped on the previous night. The bushrangers were up and stirring before me in the morning. I ascertained, moreover, that the landlord was quite aware of their being in this barn, but gave me no warning to beware or swerve from the road I had to travel over. I could not reasonably find fault with him, for these bushrangers on visiting the mountain hostelry gave the proprietor plainly to understand that, if he gave the slightest hint of their having been there, they would visit him at night, set his house on fire, and destroy him, his house, and its inmates, and they were scoundrels who (if the occasion required it) would have executed their threat. These mountain inns were usually about twenty miles apart, without a single habitation of any kind intervening. It would be, perhaps, taxing a man's means of information too severely to expect a forewarning of danger, when one feels that it could only be given at the peril of the informant and his family.

### A SMART CAPTURE.

Colonel Mundy, in his excellent work "Our Antipodes," narrates the following incident which was related to him by a gentleman well acquainted with the chief actor. It was a remarkable case of capture

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\* Perhaps the judge did not know that *black-birds* were good game, and plentiful, in the interior at that time.

of a large band of armed convicts by an officer's party of the mounted police. He says:—

This gallant officer having, to the surprise of the people and garrison of the town of ———, marched one day, as prisoners to the gaol, a body of bushrangers three or four times the strength of his own force, was asked by his admiring comrades how he had contrived this sweeping capture with such long odds against him. The readers of Joe Miller will recollect the Hibernian soldier who boasted, according to that veracious annalist, that he had made prisoners of a whole section of the enemy, single handed, by surrounding them. Mr. ———, not being an Irishman, did no such impossible thing. Stealing cautiously through the bush, with his little party of four or five men, he espied the banditti, in number about sixteen, busily cooking and eating in a hollow, some thirty yards below where he stood—their arms piled a few paces distant.

Leaving the men above with orders how to act, and creeping down the bank, he suddenly jumped into the midst of the robbers, shouting out, "Yield in the King's name, ye bog-trotting villains!" Then, looking up towards his party, "Send down," cried he, "two file to secure the arms; stand fast the remainder, and shoot the first man that moves." About twenty stand of arms were thus taken possession of, handcuffs were applied as far as they would go, and, incredible as it may appear, the disarmed banditti, with their teeth drawn, were safely conducted by their captain to a neighboring township.

Here is another extract from Mundy:—

While on a visit at ———, the Messrs. ———, who are natives of the colony, informed me that in their numerous journeys through the bush, over a period of thirty or forty years, they had never but once fallen in with bushrangers. It occurred as follows: the two brothers, with an old gentleman, a friend of theirs, were riding together unarmed, but accompanied by some dogs, when the elder brother saw two men, one carrying a musket the other a bundle, dive into the bush on the roadside. He told his companions, but they thought he was mistaken. However, on reaching the spot, he threw the dog into the covert, and they soon "unkennelled the varmint." The old gentleman, who, it appears, was of choleric temper, called upon them to yield, at the same time pouring upon them a torrent of abusive epithets, and closing upon them with his horse. "Stand back, and keep a civil tongue in your head, or I'll blow out your brains!" exclaimed the man with the musket; "I don't want to hurt you if you let me

alone, but I'll have some of your lives if you meddle with me!" Mr. ——— then addressed them mildly, but firmly, advising them to surrender, as the gentlemen were determined to capture them. He pointed to two stockkeepers who were near at hand to assist, if necessary, and reminded the musketeer that his shot could only kill one of their party, and that murder would make his case worse.

"Have you any firearms about you," demanded the sturdy footpad; "if you have not, I can't and won't surrender. I'm an old soldier; fought through the Peninsula, and I'm d——d if I strike to an inferior force!" Mr. ——— replied that they had no firearms, but could get them in a few minutes. "Produce them, and I will give in," was the rejoinder; "that will be an honorable capitulation."

Meanwhile the man with the bundle had been secured and placed in charge of a shepherd who came up, and a mounted stockman rode off for the stipulated firearms, the old soldier-robber remaining doggedly at bay. Unfortunately, during this interval, the peppery old gentleman recommenced his vituperation, upon which the other, swearing a terrible oath, cocked his piece, and pointed it at his head, when Mr. ——— spurred his horse upon the robber and threw him to the ground. He recovered himself actively, however, placed his back against a tree, and coming down to the "Prepare for cavalry," showed once more an impracticable front; then suddenly rising, he was in the act of falling back into the woods to escape, when the accession of force necessary to dignify the act of laying down his arms arriving, this stickler for the honor of the army permitted himself to be made a prisoner of war without further resistance.

Before I pass on to deal with the later-day bush-rangers—who for the most part were native-born Australians—I will give just two or three more cases, which occurred in parts of the country far removed from each other, in which "old stagers"—men who had borne the convict's chain and were of the class to which reference has previously been chiefly made—were the principal actors.

### THE OMEO MURDER.

It was early in January, 1859, while the first gold fever was still raging in Victoria, that a man named

Cornelius Green, a large gold-buyer, became the victim of as foul and cold-blooded a murder as was ever committed, the perpetrators being two monsters whose lust for gold had evidently destroyed the last spark of manhood within their breasts. The names of these monsters were Chamberlain and Armstrong, and although I have been unable to discover any previous record of crime against them, the manner in which they set about this deed of blood indicates very clearly that it was not their first acquaintance with deeds of violence.

Green had been at a digging township on Livingstone Creek, in Gippsland, and having collected about 800 ounces of gold, arranged to proceed to Melbourne with his treasure under the escort of a mounted constable, a lady friend of Green's, Miss Mutter, also making one of the party. The party started in the afternoon intending to make a short journey as far as a roadside inn, kept by a man named Burns, before nightfall. This part of the journey they accomplished in safety, but just before arriving at their halting place they passed three men, one of whom was known by Mutter as a journeyman butcher named Chamberlain. Next morning, having breakfasted, the party resumed their journey, a Mr. Dickens, a storekeeper of Swift's Creek, having joined them, as the road they were travelling passed near his store, which was situated about two miles from the inn. On arriving at this place Mr. Green determined upon visiting the store for the purpose of purchasing more gold, and when they reached the turning the party headed for the store, to reach which they had to cross along what was known as the Tongee Racecourse, a fine flat piece of country.

but heavily timbered. As the road was not sufficiently wide for the party to ride together they proceeded in the following order:—Mr. Green in advance, leading the pack horse with the gold strapped upon his back; Miss Mutter, upon the same line, upon his left; constable Green a few yards behind, with Dickens upon his right, also leading a pack horse. They had covered about half a mile of the distance when the constable saw an armed man dressed in short trousers and white shirt, with a white turban round his head, suddenly step out from behind a tree, distant about 16 feet from the road, and without uttering a word raised his gun to his shoulder and deliberately fire at Mr. Green. The unfortunate gentleman received the full force of the shot in his side and at once fell against Miss Mutter, whose horse, startled by the report and the falling of Green, immediately bolted in the bush. Almost simultaneously the constable was fired at from another quarter, and received ugly wounds in both arms; and Dickens also was shot with slugs in the back; it was supposed from the fire of a third party, although from what transpired subsequently, it appeared that only two men were engaged in the outrage. Dickens' horse and the constable's both bolted into the bush with them, having, no doubt, been struck with some of the shot, but the latter had not got beyond range before he saw one of the men again deliberately take aim at him and fire, although the second shot did not, fortunately, take effect. The horse was a mettlesome animal, and, gaining the mastery over the wounded constable, made for the Tambo River, into which it threw its rider, although the constable subsequently managed to remount and ride towards the township

for assistance. After proceeding a short distance along the road, he met the mailman, who had left Livingstone Creek that morning with the down-country mails. The constable related to him the circumstance of the "sticking-up," and inquired from him how far he was from Swift's Creek, and the direction. In answer to his enquiries, the mailman told him he did not know, as he was nearly an entire stranger in these parts, this being his first trip, from the mail contract having changed hands. However, he stated they were fully two miles from Burns', to which place he advised the constable to proceed with all haste, himself pursuing the mail journey, although he took the precaution of first planting his money at the root of a convenient gum tree.

Miss Mutter's horse, after bolting into the bush for about 200 yards, managed to relieve itself of its rider by throwing her, although she was not hurt in the fall. Naturally looking back to the spot where Mr. Green had fallen, she became witness to a horrible scene. Poor Green was lying on his back, with his hands uplifted, apparently supplicating the two wretches who stood over him; but his prayers were of no avail, for another shot rang out upon the air and the unfortunate victim sank into quietude. Yet even then the robbers' thirst for blood was not appeased, and as Miss Mutter turned to run from the spot, she saw one of them hacking at the prostrate form with a tomahawk. Almost dazed with the horrific sight which had met her gaze, Miss Mutter ran blindly on through the bush, and fortunately fell in with Dickens, who also had been thrown, and was making his way in the direction of his home as fast as his wounds would

allow him. They then had a distance of about a mile and a half to traverse before reaching the store, and together they ran until they reached the road, upon which they found Mr. Green's two horses, they having evidently got off before the robbers had finished their murderous work. They drove the horses before them to the store, and, to their surprise, discovered that the valise containing the gold, cheques and papers, was still on the saddle. These, of course, were at once secured, and deposited in a place of safety.

In due course the constable arrived at Burns' Inn, and told the landlord his story. A pack rider was at once despatched to the police camp at Livingstone Creek with the news, and before nightfall he returned, accompanied by Inspector Hill, the whole of the police force there stationed, and a number of the townspeople, who had volunteered to join in the hunt for the murderers. Reaching the scene of the tragedy, they found Mr. Green's dead body, horribly mutilated, his head riddled with slugs, the nose gashed off from below the arch of the eyebrow, and one of his hands nearly severed from the arm by a tomahawk cut, while there was another terrible gash on the left temple. Every valuable he had about his person had been taken, and it is possible the robbers sought to gratify their wild passion at the loss of the horse with the gold by putting him to death as they did.

Near the spot where the body was lying, it was found that the bushrangers had made a sort of ambush, choosing two gum trees on a line with each other, and filling up the intervening space with boughs, so that they were completely hidden from the view of the unsuspecting party approaching. On search being

made, two saddle-straps and some pieces of cartridge paper were found. The straps were at once identified by Mr. Day, storekeeper and publican, who was of the party, as having been sold by him to Armstrong, a few days before, he and Chamberlain having lodged at Day's house. The murdered man had also been stopping at Day's, and here it was, doubtless, that Armstrong and Chamberlain obtained knowledge of his being possessed of the large parcel of gold. The two men had left the house early on the morning of the murder and had not returned.

Poor Green's body was conveyed to Tangee and there buried in the presence of all the townspeople, the funeral service being read by a layman, as there was no clergyman available. No inquest was held, as the solitary magistrate located on the field was at the time away on leave.

The search for the bushrangers was continued with zeal by Inspector Hill and his men, but for some time it was unsuccessful. From the scene of the murder they traced them to a locality forty miles distant, where they had stolen fresh horses, leaving their jaded animals behind them. The chase was a long and severe one, but at last the murderers were caught, and I cannot do better than allow one of the then residents of Livingstone Creek tell the story of the pursuit and capture, as he told it when writing to a friend in Melbourne on the 1st January, 1859. He says:—

Inspector Hill, mounted troopers Reid and White accompanied by Messrs. M'Allister, Shecan, and Davies, left for Mount Gibbo, the police going by way of McFarland and Pender's stations, at Omeo, the others keeping the direct route, but again meeting at Murphy's Water Holes, distant



six miles from the place where they parted. They then halted at Green's stores on the Gibbo Creek, had breakfast, and proceeded immediately after to Toke's store, three miles further on, where they ascertained that Chamberlain and Armstrong had arrived early on Sunday, Armstrong paying a visit to Toke's store. Toke was absent at the Livingstone at the time, but his storeman acquainted him on his return with regard to their visitors, and pointed out their encampment. Toke paid them a visit, and after apparently sympathizing with them, succeeded in gaining their confidence, and the two then related the whole narrative of Green's murder, and also that they had intended to murder Dickens, as he knew them, but the pack horse, which was carrying the gold, having got off, and while they were looking for it Dickens escaped.

While at Toke's, Chamberlain wrote a letter to Paynter the butcher, on the township, to be delivered by Toke, who, however, placed it in the hands of the police, at the same time telling the whole conversation he had with Chamberlain and Armstrong, and so freely as, perhaps, may entitle him to the £300 reward offered by Mr. Day. Early on the Tuesday morning following, Chamberlain and Armstrong removed three miles further up, at Wheeler's Crossing, in order to steal two more horses, in which they were unsuccessful. They had left two hours before their pursuers arrived and their departure was delayed as long as possible by Toke, who furnished their supplies, taking a very long time to supply them. They paid him with a horse and bullock receipts. The party of pursuers which arrived at the Livingstone was joined by Toke and a black named Tommy. They left at half-past one, crossed the Gibbo, and camped at Wheeler's crossing for the night, after riding 70 miles that day. They kindled no fire, and supped on bread, sardines, and water from the creek. After having spent a cold, wet, miserable night, they started at day break, and after riding four miles, came up to a diggers' encampment, and were told by one of the diggers, who had been at Wheeler's Station the previous evening, that he had seen the tracks of two horses, which had gone into the scrub. They then rode in pursuit, and after an hour and a half, reached the place where the two men had been encamped. The men were, however, gone, but their fire was still burning, and the tracks of the horses were plainly discernible. One of the party showed them a near cut, saving three miles, which they immediately took, and within a quarter of a mile of the main track, Mr. Sheean saw Chamberlain in advance of Armstrong, who, seeing themselves observed, wheeled their horses round, and made for the banks of the

creek. In doing this, Armstrong's horse was bogged, and he thrown from his saddle. Both then left their horses and swags, taking a gun and revolver with them. All now joined in the pursuit except Davies, who stuck by the horses, as they had been stolen from him. After going about three-quarters of a mile up the range, Tommy on their track like a bloodhound, after pausing for a moment, looked up and spied them in a tree. M'Allister, who was with him, then cooey'd, and was at once joined by the rest of the party. Inspector Hill immediately ordered them down, and said the charge against them was horse-stealing. They never attempted to fire. The capture took place on Wednesday morning, about eight o'clock. They then returned by the same route, and when it was known in the township on Thursday night, that the murderers had been captured, everyone was overjoyed. They were brought in on Friday, when fully two-thirds of the population turned out, and cheered the police as they passed through. Armstrong was the first to jump from his horse and rush into the lock-up. Chamberlain seemed very indifferent, and even began to chaff the crowd. So confident were they that they would not be taken, that Chamberlain wrote a letter to Paynter to this effect: "That he felt sure the snaffle men (police) would not catch him this time yet. He would return some fine moonlight night, in about six months, and also that the articles which Paynter had planted for them amongst the rocks, they could not find." Paynter was also to school a young man called Sydney Penny, and should they get clear off, to be sure and maintain that the last place at which he saw them was the Water Holes looking for horses.

Paynter and Sydney Penny are both in the hands of the police. The former is chained in the stable, and the latter, being the first occupant, is chained in a room in the new quarters. The other two are in the lock-up.

I am, yours respectfully, &c.,

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In July of the same year Armstrong and Chamberlain were tried in Melbourne for the murder, and being convicted on the clearest evidence were publicly executed.

#### DIGNUM AND HIS GANG.

As a rule the members of gangs were true to each other, one member not infrequently risking his own safety rather than desert his mates when hard pressed

## THE LAST OF THE CONVICTS

by their common enemy, the police. But one instance of horrific treachery in the day, convictism cursed the land, before horses were available for general use, and when gold escorts were things unknown. It was in the year 1837, and occurred on the overland route between Melbourne and Adelaide. Settlement was only beginning in the Port Phillip district—then a province of New South Wales—and convict escapees from the Sydney side or Van Diemen's Land were more numerous than was desired by the early settlers, who experienced some remarkably rough times from these reckless marauders. Early in the year named a company of nine convicts, mostly "lifers," escaped from the neighbourhood of Yass, and a man named Dignum and two other runaways "took the bush." Subsequently the three were joined by a mere youth named Comerford, who is described as fair and tall, having a most prepossessing cast of countenance, and by five other convicts, who absconded from the service of the masters to whom they had been assigned. The gang at its full strength numbered nine, with Dignum as leader and Comerford as first-lieutenant.

After committing many crimes in the neighbourhood of Melbourne, and creating a widespread feeling of alarm among the settlers, they determined to quit that territory and cross the continent to some sea port, in the hope, doubtless, of making a clean escape from the country. They appeared to have started on their journey without any definite idea where it was to end, but when fairly on the march they resolved to make for South Australia and lose themselves among the free immigrant population of the colony. They had

spot near Mount Alexander when the disaster was made that provisions were running short ; there were no flocks or game in the locality, and they began to dispute among themselves as to the best course to follow. The distrust and hatred thus generated speedily found expression in a deed of blood.

The leader was determined to be leader still, and if his followers did not choose to obey his behests he would get rid of them. The band travelled on foot ; after the day's march they formed a camp of boughs, lit a huge fire in the centre, and, wrapping themselves in their blankets, lay in a circle with their feet to the fire, their loaded guns being placed within easy reach in case of a surprise.

The night had come, the camp had been fixed, and each man had coiled himself in his blanket, although sleep was far from the thoughts of the leader. Dignum was the last to turn in, and before he lay down he managed to place three of the guns and an axe within easy reach. His intention was to rise when his companions were asleep, and, by axe or gunshot, to destroy the whole gang, then making off with the provisions and escaping alone.

But young Comerford was uneasy, and could not rest, although the others slept the sleep of the weary. He may have been suspicious, or himself have contemplated doing what Dignum had decided to do. The latter had risen to carry into execution his devilish scheme, when Comerford also rose, and a short consultation between them resulted in an agreement to join hands in the wholesale massacre. Selecting their posts on each side of the sleeping circle, the villainous couple set about their ghastly work. Four of the

seven sleepers, smitten swiftly and with fatal precision, never moved. The three others, desperately wounded, staggered to their feet, but were quickly despatched; and the two murderers grinned with delight at the completeness of the slaughter. The bodies were thrown upon a huge fire of logs, and while they were being burnt the brothers-in-blood consulted as to future movements. The march overland was abandoned. Turning upon their tracks, Dignum and Comerford made their way back towards Melbourne. Here they engaged with a wealthy squatter, who happened to be in need of hands, and remained with him for some time; but finding steady work irksome they absconded and hired with another squatter in another part of the district. The first master followed them, and had them arrested on warrant for breach of agreement, but did not succeed in bringing them to court. Seizing a favourable opportunity, they slipped the handcuffs which had been placed upon their wrists, took possession of a couple of guns which they found in the hut, and once more took to the bush.

Again robberies were reported daily to police headquarters, and so frequent and daring did the exploits become that the authorities were spurred into unwonted activity to arrest the perpetrators, whose identity had by this time become known. When they found themselves hotly pressed, the two villains sought safety in flight, and re-entered upon the abandoned journey to Adelaide. But that journey was rudely interrupted. Having once tasted blood, Dignum sought for more, and one day when Comerford was incautiously leading the way, he fired at his back. The aim was not true, however, and the younger bush-

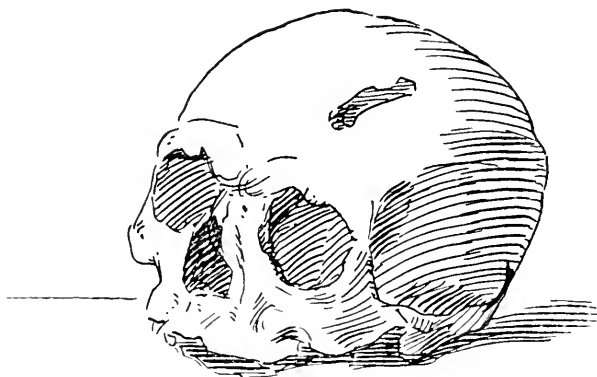
ranger at once turned and fled; he made his way back to Melbourne, surrendered to the authorities, made a full confession of the murder, and gave such information as led to the arrest of his erstwhile leader and companion in crime.

At first the police discredited Comerford's story, so horrible and improbable were the details; but he was accepted as King's evidence in the case, and the two men were taken to Sydney under a strong guard—there being at that time no Supreme Court in Melbourne.

In Sydney Comerford repeated his extraordinary story, which here also was received with incredulity. The Government at last, however, decided to test its truth, by sending Comerford back to Melbourne in charge of an infantry sergeant named Tomkins, two soldiers and two policemen, with instructions to guard him strictly and take him to the spot where the murders were said to have been committed.

Securely handcuffed, Comerford correctly guided the party to the neighbourhood of Mount Alexander, and showed them the exact spot on which the murders were committed. Proof indisputable of the truth of his story was furnished in the shape of human skulls, bones, and raiment, which had remained unconsumed by the fire; and the sergeant having taken notes of what had been seen, the party commenced the return journey towards Melbourne. All doubts as to Comerford's truthfulness having thus been set at rest, his guard became less careful as custodians, and more inclined to be lenient towards him; nor was he slow to take advantage of their leniency. Having complained of the heat and fatigue he suffered from marching in

handcuffs, the latter were removed during the day time, although care was taken to resume them at night, when a halt was made. When a halt was called at the close of the second day it was discovered that the soldiers had inadvertently left their supply of tea and sugar at the last camping ground, and it was agreed that the two privates should return and recover the lost rations, the sergeant and the policemen remaining in charge of the prisoner. The privates were so long away, however, that it was concluded they had lost



SKULL OF A BUSHRANGER SHOT IN VICTORIA.

their way, and one of the policemen was sent to look after them, two only remaining with the prisoner. This man having left, the sergeant, the constable, and Comerford proceeded to make a meal: and Comerford had behaved so well that the sergeant saw no risk in removing his handcuffs in order that he might enjoy a little freedom when eating. He was still eating when the constable sauntered away to a neighbouring hill to see if the missing men were approaching—and then

the sergeant committed the mistake of his life. He rose, rested his carbine against the trunk of a convenient tree, and was proceeding to bring some water from a few paces off, when Comerford, springing to his feet, seized the firelock and presented it at Tomkin's head, exclaiming, "Now, by God, I'm a free man once more! I don't want to hurt you, sergeant, but stand off or I'll blow your brains out, for no man shall stop me!"

In vain the dismayed and helpless sergeant expostulated with him, exclaiming that his prospects would be destroyed if Comerford got away.

"Never mind," returned his erstwhile prisoner, "you keep off and let me go, or, by God! I'll do it!" Upon which the sergeant, who was not lacking in bravery, although he had been foolish and unwatchful, made a rush at Comerford, who instantly fired and shot him through the body. Hearing the report of the firearm, the constable hastened back to the camp, to find that the prisoner had disappeared, and that his superior officer was on the point of death. Poor Tomkins lived only long enough to make a statement.

When the others came back, diligent search was made for the escapee, to whom very scant mercy would have been shown if he had been found; but the search was futile, and the four disconsolate men returned to headquarters.

For several weeks Comerford ranged the bush in the neighbourhood of Melbourne, having made back to his previous haunts. He became the terror of the settlers, whom he intimidated with threats of violence into supplying him with food and other requirements. But his day was drawing to a close. The Government



offered a reward of £50 for his apprehension, and a free pardon to any convict who might secure him, and those of the latter who had assisted him when there was no "blood money" to be got by betraying him, now became most anxious to take him prisoner.

Driven to extremity by shortness of provisions, he entered the men's hut on a cattle station and gave an order for breakfast, intimating that he would shoot the first man that moved otherwise than to do his bidding. There were five men in the hut, and for a time none of them could pluck up courage to attempt a capture. With his gun between his knees, Comerford made a meal of "damper," beef, and tea, and then asked for tobacco, saying he wanted a smoke. One of the convicts, a stockman known as Kangaroo Jack, supplied him with this luxury, and Comerford proceeded to have a smoke; but while he was in the act of lighting the pipe Jack suddenly wheeled round and dealt him a terrific back-handed blow, which threw him off his balance, and before he could recover it he was seized and held in an iron grip. After a furious fight he was secured, bound hand and foot, and conveyed in a bullock dray to Melbourne, and thence to Sydney, where he was placed upon his trial for the murder of the sergeant, convicted, and hanged.

His companion in crime, Dignum, escaped the fate he merited, through absence of sufficient evidence against him; but he was sent as a "lifer" to Norfolk Island.

Kangaroo Jack received the "absolute pardon" promised as the reward for Comerford's capture.

## THE ROBBER OF THE CAVES.

The reference to Hartley in the case of the mail robbery for which Day was convicted calls to mind the case of a bushranger named McKewin, a notorious scoundrel, who evaded capture for a very long time during the "thirties." For several years this desperado carried on his depredations in different parts of the Hartley and Fish River Districts, but although frequently tracked to the mountainous region, which was then unexplored, he always managed to disappear in a most mysterious manner. At last two mounted troopers accompanied by Mr. Charles Whalan managed to get upon a "hot scent," following up which they were enabled to solve the mystery. This was in 1841. It was concluded that McKewin's retreat must be in one of the deep gullies which in that part of the country abound, and the party determined to explore them thoroughly. After much labour his hut was discovered on a little flat in one of the most secluded mountain gorges: it was surrounded during the night, and the bushranger, on being challenged to surrender, came to the door in a woman's nightdress.

After capturing him the party made its way down the gully, and came suddenly in sight of a huge cavern in the hillside, whose mouth was nearly three hundred feet high. Passing into it (for it was the only outlet to the gully) they clambered over gigantic boulders to a tunnel-like passage at the other end, which led them to the banks of a creek which emerged from a similar cavern to their right. Thus were first discovered the great caves now known as the Devil's Coach House and Grand Arch.

For many years it was believed that McKewin had



THE RUSHRANGER'S CAVE.



a secret hoard among the hills, and many a hunt there was after it: but all that ever was found was the remains of a rum keg. In a cave not very far from his hut there has since been found a set of bullock-bows, which the bushranger stole from one of Mr. Whalan's teams.

It is not necessary to give a detailed account of McKewin; suffice it to say he was captured, lodged in Hartley Gaol, afterward tried by a Sydney jury, and, subsequently, sentenced and transported to Norfolk Island, where he died. His companions were never found.

In those days this district was full of wild cattle. Parties used only to visit it for the purpose of beef hunting, and it was during some of their exploits that they came in contact with this wonderful limestone belt and its strange openings. The various parties returned and told queer and discredited stories of the district. At different times some of the more adventurous of them returned to the spot and made attempts at exploring. They could not penetrate far; the difficulties they met with were extreme; no roads, no help obtainable, and no house to rest in after their labours. Their discomforts were very great, and they wearied. Thus by slow degrees this marvellous locality gained its reputation. Very small interest was taken in the place, however, and little or nothing was done until Mr. Jeremiah Wilson and party came from Oberon and explored them, submitting to all kinds of hardships and privations in the process. Mr. Wilson was afterwards appointed keeper of the caves by the Government and chief guide.

## THE JEW-BOY'S GANG.

One of the more notorious of the bushrangers of the forties was a convict Jew named Davis, who made his escape from an ironed gang working near Sydney, and "took the bush," being soon joined by a desperate character named Ruggy, an Irishman, and two other runaway prisoners. Shortly after the gang commenced operations in the Brisbane Water and Hunter River Districts, three recruits joined, the latest addition being a youth of weak intellect, who had been led away by Davis' florid descriptions of the freedom and pleasures of a bandit's life.

The members of the gang were well mounted and well armed with double-barrelled guns and pistols, and supplied with pack-horses to carry "swag." Conscious of their strength and their ability to get away quickly from any pursuers with whom a fight was not desirable, they pursued their nefarious occupation with the utmost boldness and openness. For a long time they eluded the vigilance of the local mounted police, who certainly were not wanting in energy when fairly "on the hunt." When advised that the troopers were out, they confined themselves to the deep bush ravines, where dense forests and beetling rocks afforded shelter and concealment. Here they would stay until the police grew weary, when they would again sally forth.

The gang committed so many depredations in twelve or fifteen months that the Government began to realise that some special effort was needed to capture them. Hence they despatched a strong body of mounted police under the command of a subaltern from Sydney to the Brisbane Water district, with

orders to take the Jew-boy and his companions either alive or dead. But even the force from Sydney could not effect a capture, although they pressed the gang closely and forced them to make back to the Hunter River district. On the day of their arrival they looted a store at Muswellbrook, and then went on to Scone, putting up at Wilkie's Inn and ordering "dinner for seven, and be sharp about it." After dinner they ransacked the one local store, adorning themselves with the gayest ribbons they could find before leaving the place.

Up to this time they had not shed blood, as Davis insisted that his companions should preserve clean hands in this respect, and only resort to violence for the preservation of their own lives and liberty. But now they added murder to their other crimes, and closed the door against hope of escape from death themselves. As they were leaving the store, one of the employees, a recent arrival from England, with more courage than prudence seized a pistol and fired at one of them. The shot did not take effect, and the rash man threw his pistol down and rushed towards the police station to give the alarm. His race was a short one. Ruggy leapt upon his horse and pursued him, shooting him through the back as he ran, and the young fellow fell dead in his tracks.

This tragedy enacted, Davis and his six companions fled precipitately, for they knew the murder would raise the country against them. They made for the densely wooded Liverpool Range, stopping for a while on the way at Atkinson's Inn, on the Dage River, where they bailed up all the inmates and indulged in a hearty meal of beef and beer. They de-

clined the stronger drink that was offered them by the landlord, declaring that rum could only be taken with safety when they were in camp. Before resuming their flight they rounded up all the good horses and made an exchange, leaving their weary steeds in place of the fresher animals; then they headed for Doughboy Hollow, one of their old bush rendezvous, where they calculated on passing the night safely.

But Nemesis was already following close upon their heels. A small party (three or four civilians and a couple of Border Police) headed by Mr. Day, police magistrate, who had formerly served as lieutenant in the 17th Regiment, were soon in full chase. Their first place of call was Scone; there the sight of the body of the murdered man inspired them with fresh resolution, and they pushed on with vigour, easily following the freshly-made tracks. Several residents joined in the chase, and when the pursuers reached Atkinson's Inn they formed quite a large party.

The sun was just sinking when, never having lost the track of the bushrangers in a ride of fifty miles, Mr. Day and his party came in sight of Doughboy Hollow. The spot was a favourite camping ground for teams, and a cursory glance was sufficient to show the pursuers that the men they wanted had joined some teamsters at their evening meal. The bushrangers were seated round a log fire, a couple of them being engaged in casting bullets for future use, while their horses were tethered some distance away. Quickly dismounting, Mr. Day and several of his men made a rush to seize the gang before they could recover from their surprise; but Day incautiously raised a cheer as he ran, and at once the bushrangers seized



their guns and rushed to cover behind the nearest trees. A brisk fusillade commenced. The Jew fired twice at Day, and Ruggy at one of his companions; but fright had made their hands unsteady, and the bullets did not take effect. Day returned the fire and wounded Davis in the shoulder; then he rushed at him, wishing to take him alive, and after a short struggle succeeded in overpowering him. Ruggy was also seized when he had exhausted his fire, and four others of the gang threw down their arms and surrendered. The seventh man escaped, but was subsequently captured. Altogether about twenty shots were fired, but no one on either side was killed.

Shortly after their capture the Jew-boy and his mates were removed in irons to Sydney, where they were tried, convicted and condemned. Up to the last moment Davis hugged the belief that his life would be spared, on account of his having prevented the shedding of blood whenever he was able to control his followers. Strong efforts were made by powerful friends of his own persuasion to save him, but they were unavailing; and together the leader and his followers expiated their crimes on the gallows in Sydney in February, 1841.

#### "SCOTCHEY," WITTON & CO.

Between 1842 and 1844, two convicts named "Scotchey" and Witton absconded from Waugoola, and with others kept portions of the Lachlan district in a state of continual alarm by their outrages. They were wild, reckless, bloodthirsty fellows, and would stop at nothing to gain their ends. One or two of their exploits will suffice to show what manner of men they were.

At one of the stations in the district in which they were "ranging," a large company of men had assembled for the annual cattle muster, and after night-fall fourteen of them, including several "Government men," had gathered round the fire in the hut, for the evening smoke and yarn. Suddenly Scotchey and Witton stood at the door with guns presented, declaring that the first man that moved from his position would have the privilege of painting the door with his brains. A third man—Russell—was with them, and him they ordered to enter the house and search it for money and valuables, while they kept the inmates under close cover. In one large box the hunter discovered the owner's branch bank, in which there was a little money and a number of papers, including one cheque for £60. The money was secured, but the papers and cheque were cast aside as useless. One of the prisoners—the manager of an adjoining station—complained that the fire was roasting him and that he must change his position. "Then," said Scotchey, "just turn the other side and you will be nicely baked by the time we have searched the house; but if you move you are a dead man." The manager took the advice: but thinking that fourteen men were rather too many to be kept prisoners in such fashion by two, he suggested in a whisper to an old man at his side that by making a simultaneous rush they would be able to overcome the bushrangers. "I will knock one of them down with this block I am sitting on," said he, "while you tackle the other." He found that he had made his suggestion to the wrong individual. The man was an old convict himself, and had more sympathy with the robbers than with the robbed,

though the latter was his own master. "By ——," said he "if you move I'll tell them, and you'll get your brains in your pocket." Under such circumstances the manager deemed it prudent to remain quiet and inactive.

He was destined to meet the same gang on more than one occasion subsequently. The very next day he was in his own hut telling his wife and the station hands what had taken place, and expatiating on the power of two men with guns to make cowards of fourteen, when suddenly another voice, louder than his own, was heard enquiring "How many are there here?" This time there were only six; but on looking towards the door those six saw two men with guns pointed through it, and these the overseer recognised as Scotchey and Witton, who were evidently making a tour through the station holdings. As soon as Scotchey got an answer to his question he ordered them all to march outside on pain of having their brains blown out. Meekly they obeyed, all except the overseer's wife. With a daring that must have made her valiant-spoken husband very proud of her, she coolly walked up to the bushrangers and, "I'm sure," said she, "you would not hurt a woman, bushrangers though you are." She even went so far as to place her hand upon Scotchey's arm, and looking into his eyes she begged him not to take any of their little store, as she and her husband were only just married, and were struggling hard to save a little in order that they might start life on their own account. Scotchey would have faced a crowd of men, and shot them down without compunction, if they had resisted; but he could not withstand the appeal of a

woman's soft tongue or the pathetic glance of a woman's eye. Dropping his gun, and looking the young wife steadfastly in the face, he declared by his Maker that he would not rob them; and he kept his word. He called his mates, the three without another word left the place, while the overseer and his men looked on with wide open eyes of amazement.

Just a word here, by way of parenthesis, to show that this "weaker vessel" had a heart stout to meet danger and face death without dismay. Shortly after the visit of the bushrangers, she removed with her husband to another station in the same district, belonging to the same owner—a very lonely spot in the far bush, where the blacks and kangaroos, the natural denizens of the place, were wild and troublesome. One day the cattle broke away from the new camp, and the overseer and his men saddled up and went after them, sleeping on their tracks the first night of pursuit, and the next day overtaking them and bringing them back. During the first day of their absence, the lonely woman was startled by the appearance of about 40 blackfellows at the hut, painted, and without their gins—a sure sign that they meant mischief. And here I will let the brave young wife—who was a typical Australian girl of the early times, a splendid equestrienne, and able to handle a rifle or pistol as well as most men—tell her own story:—

The blacks came up and asked me—"Where white fellow?" I, of course, gave them no satisfaction. I was taking my tea, and they ordered me to give them bread ("tong-on"), a commodity I was very short of at the time. Flour was then £5 10s per cwt., and, so far in the bush, it was not to be had for money. However, I shared what I had with them; but that did not satisfy them, and one of them threw it in the fire. This so annoyed me—knowing how glad I should

be of it myself—that, in the heat of the moment, I twisted a leg out of the stool and rushed them out of the hut, striking the fellow that had thrown the bread in the fire a heavy blow between the shoulders. He turned and uttered a savage yell and said, “You be poor fella before euroka begone next night”—you’ll be dead before the sun sets to-morrow night. When they were gone I shall never forget the feeling of loneliness and horror that came over me. Night came on, but no Lawrence—no white man; and I was alone in the wild back woods, in a frail bark hut without a bar or lock. And, terrible to relate, I never once looked up to “the Strong for strength;” yet, unsought and unseen, His mighty arm was uplifted to shield me from every danger. As the night advanced I extinguished both fire and candle and kept myself perfectly quiet. About twelve o’clock I heard my kangaroo dog bark and growl, and knew he smelt a black. Presently I heard a small voice softly call “Mittiss, mittiss, you let in black pickanini—mine pialla (I’ll tell you) news.” I took courage and unfastened the door, which I had secured as well as I could, by placing a stool and four pails of water against it. To my great relief the boy (a little blackfellow who had occasionally been employed about the place by my husband) was alone. He had stolen away when the blackfellows had gone to sleep, and had ventured his life to give me word that the blacks were going to kill me in the morning, “when the sun jump up”—for they are afraid to move, except in extreme cases, in the dark for fear of evil spirits. But for this fear, they can track in the dark, and no white person they desire to murder would be safe within their reach. The boy said it was “Gentleman Billy” I had struck, and it was he who was to kill me. I gave the poor boy some thick milk to drink, of which the blacks are fond, and we spent the night quietly crouching together. It was a night of the horror and darkness of death; and no one but such as have been in similar circumstances can tell how the heart will warm and cling even to a faithful kangaroo dog in such danger.

Just before day broke I let out the little black boy. Daylight had a wonderful effect in cheering my spirit and scattering the horror of the night. I knew the blacks so well that I knew you must never appear afraid of them, so I resolved to face the danger before it came to me. I got the double-barrelled gun (it was a little beauty Lawrence had bought me shortly after our wedding), and, looking to the caps, I set off for the blacks’ camp. They were all up and seated round their camp fire cross-legged like tailors. On my approach they all held down their heads and began to jabber. I said firmly, “Good morning.” None took any notice, but still talked. I said, “My men, cobbon mine been

dream last night that blackfellow was going to kill me when sun jump up. Now, then, which one black fellow?" No response. I immediately levelled my gun at a tree near them and fired one barrel. They saw where the bark flew off, and all started to their feet. I again demanded which blackfellow wanted to kill me, and bade him come on now, for I had another barrel for him, and my gun never told a lie. I levelled the barrel first at one, then at another, repeating my question. They all fell back crying, "Not me, Mittiss, not me, Mittiss. No blackfellow want to kill you—you murry good woman!" So after a great many assurances, I was allowed to go back to the hut, and was not disturbed by them that day.

There were heroines in the Australian bush in the early days of settlement, and this brave overseer's wife was one of them. It was in this lonely place that she for the second time, and her husband for the third, came face to face with Scotchey and his mates. On the evening of the day after her encounter with the blacks, when she was seated at the fire with her husband, who had returned from his cattle chase wet and weary, a violent knocking was heard at the door of the hut. "Who is there?" said the overseer. The answer came in a rough voice "Police, with a warrant to search your hut." The door was opened and three men (Scotchey, Witton, and Russell) rushed in, presented their guns, and repeated the demand with a threat which the inmates had heard before. As Scotchey turned to search the bedroom, the overseer remarked to his wife, "I hope these men will behave as honourably to us as Scotchey did." "What was that I heard you say about Scotchey?" said the robber: and seeing then who his victim was, he called his mates to sit down before the fire, assuring the overseer and his wife that now they knew who they were they would not take anything from them except their firearms. To look for these Scotchey again essayed

to enter the bedroom; "we can't leave arms behind," he said, "they may be used against us some day." But once more he was stayed by a woman's voice, and once more yielded to a woman's prayer. The wife told him how serviceable her gun had proved on the previous day in intimidating the blacks, and Scotchey yielded to her petition not to deprive her of so valuable a protector in her loneliness, at the same time vowing vengeance against the blacks for daring to molest a white woman. Politely requesting that a damper might be made for them, they smoked and chatted with each other and the overseer while the bread was baking in the ashes, and having had supper retired into the bush.

Next day the overseer quietly sent a message to his nearest neighbour, an Irishman who had settled in the locality, but some miles nearer the centre of civilisation, to warn him that Scotchey and his gang were about and would in all probability give him a call. This settler had at one time been a convict constable, and had earned the reputation of being a hard taskmaster. He had only recently been married, and indulged in loud boasting of the warm reception any bushranger who ventured to visit his domicile would receive. Nothing happened for a fortnight after the overseer's warning, and O'Leary was congratulating himself that he had been overlooked. But he was not to be let off so lightly. In due course Scotchey and his mates, who had evidently heard of the boasts in which O'Leary had indulged, paid him a visit. They came at night, rapped loudly at the bar door, and asked him whether he was coming to fight them or not. O'Leary made no reply, but went into an-

other room and brought out his gun, cocking the weapon as he crept towards the window. The bush-rangers heard the "click," and immediately fired a volley through the closed door. One of the bullets passed through the door into the second room where the young wife was standing, and struck her on the thigh, wounding her very severely. The poor woman screamed and fell, and O'Leary at once called out that he would open the door as his wife was shot. The door being opened and O'Leary disarmed, Scotchey lifted the wounded woman and expressed his sorrow that she should have been injured, assuring her that hers was the first blood they had shed; but they were determined to punish her husband for his cruelty in the past to men who had been placed under him. Before they left they loaded their pack-horse with tea, sugar, tobacco, and flour, and scattered what they could not take, telling the erstwhile boaster before they departed that he might think himself fortunate that they left him with a whole skin. The wounded woman recovered, but was lame for a couple of years after the wound had healed.

Meanwhile the troopers had begun to press closely upon Scotchey and his mates; they disappeared from the district, and were not heard of for some time, turning up at last in the Goulburn and Crookwell districts, where they committed several robberies. While at work here they announced that there were two men in the district upon whom they intended to work revenge, not for any injury done to themselves, but for harsh treatment of their assigned servants. Nearly every convict bushranger appears to have



voluntarily taken upon himself the task—a congenial one, we may be sure—of hunting out reputed hard task-masters with a view of, to use their own words, “paying him back in his own coin”; and woe to the man, wealthy or poor, a “pure merino” or an emancipist, falling into their clutches, who had treated assigned servants harshly, or who had been what they chose to consider a severe master.

So Scotchey and Witton made no secret of their intentions with regard to at least two prominent men in the Crookwell district, one of them being Mr. Oakes, who lived at Parramatta, but had a head station on the Crookwell River; and the other a Mr. Fry, overseer of a station owned by Dr. Gibson. During their visit to the district Mr. Oakes chanced to arrive at the station, bringing with him a confidential man as overseer. Hearing of his arrival the bushrangers—there were four at this time, a man named Reynolds having joined the leaders with Russell—proceeded to the station; mistaking the overseer for the owner they shot him dead without any ceremony, and then set fire to the station, and pursued one of the stockmen into the bush unsuccessfully. Mr. Oakes managed to keep in hiding near the station until they had gone, and thus preserved his life.

Dr. Gibson’s station was visited next, the bushrangers hoping to find Fry at home. The cause of their grievance against Fry was most probably his previous treatment of two bushrangers on the Western Road. The story ran that the coach travelling between Bathurst and Sydney had been “stuck-up” when Fry was a passenger. The bushrangers demanded that he should give up his money, and Fry

replied that all he had was in an opossum rug which he had with him in the coach. "Then pitch it out," was the command, and Fry stooped as if to obey, but as he pulled out the rug he drew from it a revolver, and by a sudden snap shot ended the career of one robber, immediately afterwards rushing upon the second, who was covering the coach-driver, and taking him prisoner. For this Scotchey now desired to "pay him out." Suddenly appearing at the station they found him standing at the door of his log hut. They asked if he was Dr. Gibson's overseer, and he assented. "Then," said Scotchey, "we are coming to fry you in your own fat." But they had a smart man to deal with. Turning sharp into the door Fry secured it, and then commenced a regular siege. One of the bushrangers stationed himself in the calf-pen, another in the stable, and the other two in sheltered positions; they blazed away at the logs, and Fry returned their fire through the loop-holes, with the assistance of an old convict hut-keeper. A bullet struck one of the slabs above his head, and the splinter wounded him in the eye. From the sudden cry he uttered the bushrangers imagined that the shot had told, and Scotchey for the moment became less cautious. Standing out from his cover he prepared to fire again, when a bullet came whistling from Fry's rifle and struck him on the eyebrow, carrying away part of his skull. Falling mortally wounded, he called upon Witton to put an end to his pain, and Witton, in answer, put the muzzle of his pistol to Scotchey's head and pulled the trigger. Then the three others made off, not wishing to share Scotchey's fate.

Shortly afterwards, however, the local sergeant

of police, with five others, brought them to bay, and took two prisoners, Russell shooting himself to avoid capture. Reynolds hanged himself in prison, and only Witton suffered the penalty of the law.

About this time there were several other small gangs at work in the Murray district. Some of them were vile scoundrels. As a rule the bushrangers, even the most bloodthirsty, carefully abstained from molesting females; but some of those at large at this period were of the stamp of Jeffries the monster. Once two of these wretches paid a visit to the house of a Scotchman who had been boasting of what he would do to them if they came near him. They had heard of his boasts and sought to punish him, but when they called at his hut he was absent. His wife was present, however, busily engaged at the washtub, and to punish the husband they carried her away with them to their hiding place in the bush. When the husband returned his nearest neighbour volunteered to go out with him and rescue the unfortunate woman, but the aforetime boaster was afraid. The woman was allowed to return to her home on the day following, and Sandy was no doubt pleased to get her back, although his courage was not capable of being screwed to the sticking-point of fighting for her. He lived in constant dread of the bushrangers after that until he heard that they had been taken, tried and hanged.

Another story is told of another gang of "woman-lifters," as they were called, but I cannot vouch for its truthfulness. This gang was in the habit of carrying off women and keeping them in the woods for a week at a time, and then conducting them to within easy distance of their homes. The story runs that there

was a man to whom word was brought that the "woman-lifters" were coming. He was in bed at the time, and hurriedly rising he said to his wife, "Now, S——, I'll kill you myself before they shall take you—be quiet or die." He then ripped up the bed-tick and put her into it, leaving her a place through which to breathe, and then threw down the bedclothes, and prepared to receive the bushrangers, who came shortly afterwards. He offered them no resistance, and they did not attempt to do him any injury, and when, in answer to their enquiries, he said that his wife had gone to a neighbour's at some distance to spend the night they believed him, especially as they saw that the bed had no visible occupant. They compelled the man to make them a pot of tea, and stayed some time smoking and chatting at the fire, after which they left. The reader may imagine the feelings of the unfortunate woman as she heard from her hiding place the other than kindly enquiries which were being made concerning her by the leader of the gang. But I am inclined to think the story is one of the many which found currency in the bush in later days, and which were fiction pure and simple.

#### WILLIAMS AND FLANAGAN.

Williams and Flanagan were old Van Demonian convicts. They were drawn to Port Phillip, or Victoria, as it was then being called in official circles, by the gold discovery, but, being averse to dig themselves and no doubt ashamed to beg, they sought to make an easy living by taking what others had earned. Their impudence and daring were conspicuously exemplified by a series of highway robberies on the St. Kilda Road.

On a Saturday afternoon, the 16th October, 1852, in the clear light of a bright summer day, these two bushrangers kept possession of this important thoroughfare for about two hours and a half, sticking up every passenger who appeared. About thirty victims were secured, and robbed of everything of value.

The *modus operandi* was described by Mr. William Keel and Mr. Wm. Robinson, two of the gentlemen robbed. As they were driving along the road from Melbourne towards Brighton, where they resided, they observed two men some distance in front, carrying guns and occasionally looking up into the



HEAD OF WILLIAMS, FROM A PLASTER CAST.

trees on the roadside, as if in search of birds. As Messrs. Keel and Robinson came up, however, they walked into the middle of the road and presented their muskets, calling out, "Keep still, or we will blow your brains out." This was supposed to be a joke, so little was such a *rencontre* anticipated in such a locality; but it was soon found to be serious earnest. The gentlemen were unarmed, and could not resist; they were at once compelled to drive off the road into the bush, where they could not be seen by passers by. Here they were required to hand over their money, which they did to the amount of £23 and £46 respectively.

They were then taken into a piece of scrub, tied together, hand to hand, with part of a hempen halter cut for the purpose, and ordered to sit down. They found themselves in the company of a number of other unfortunates, watched over by two armed confederates, who were ready to fire on the prisoners, should they make the slightest movement.

"Keep them close together," said one of the desperadoes, "so that, when you fire, if you miss one, you'll hit another."

The men who had robbed Messrs. Keel and Robinson then went back to the road, but made frequent returns to the scrub with new victims. Among these were Mr. and Mrs. Bawtree, Mr. Larman, Mr. Striker, and other well-known and wealthy colonists. A gentleman of the name of Moody was the only passenger that escaped the bushrangers while they held control of the thoroughfare. The two robbers were at some distance from Mr. Moody, when they called on him to stop, but instead of doing so he clapped spurs to his horse and galloped off. Two shots were ineffectually fired after him. Mr. and Mrs. Bawtree were subjected to the rudest treatment, the villains, although remonstrated with, continuing to use the most abominable language, undeterred by the presence of the lady, whose pockets they insisted on searching. They were doubtless a little aggravated on finding that Mr. Bawtree carried no money with him.

Soon after Mr. Moody's escape the four bushrangers, probably fearing that he might raise a "hue and cry," mounted their horses, which were in the scrub; and their victims soon after left the scene of their imprisonment. Before information reached the

authorities, the robbers had made good their retreat. The Melbourne detectives were, however, well up to their work, and succeeded where the ordinary troopers failed. We may let one of them tell his own tale:—

As the bushrangers had made no attempt to disguise their appearance we got a full description of their personnel, which I could identify as that of some well known old hands, distinguished by all the audacity necessary for such an exploit. We learned a day or two after the St. Kilda Road affair that four bushrangers, who had been practising their profession at Bacchus Marsh, had been seen in that locality by a trooper, and their description corresponded with that of the heroes of the 16th October. A little later we got information of four diggers, on their way from Bendigo to Melbourne, being robbed at Aitken's Gap by what seemed to be the same band of bushrangers. One of them was relieved of four nuggets and £23, and another, named Whelan, was, among other things, deprived of a pistol which he carried.

As they had enjoyed a successful campaign, we began to anticipate the early appearance of the robbers in Melbourne, where they might, through their ill-gotten gain, enjoy for a time the sweets of dissipation, or, more probably, attempt to ship for some other locality, as their victims in Victoria were too numerous to render their continued residence in this colony prudent or advisable. The usual precautions, which I have already described, in connection with other cases, were taken to secure the arrest of the men by watching the approaches to the city. In town, I and others did not despair of finding them, perhaps on our ground, and as anticipated, two of the men dropped into our hands as a party of us were, according to our wont at that lawless period, patrolling the streets at night. A little after midnight, while we were in Flinders lane, we observed two horsemen approaching—a suspicious circumstance at such an hour in that locality—we resolved to accost them, and got them to stop by asking a question on some irrelevant and unimportant subject, when we got up close to them. Their appearance, if not incompatible with innocent pursuits, was such as usually distinguishes the criminal; I could recognise the one I stood beside as an old convict; their answers to our questions were suspiciously evasive—they were evidently impatient of delay. In short, we felt assured that they would not suffer much from being overhauled at the watchhouse, and accordingly at an understood signal, acting simultaneously, we hurled them from their saddles, and, in an instant, they were handcuffed and secured.

When taken to the watchhouse, their effects made rather a respectable appearance. One of them, Thomas Williams, had £55 in sovereigns and notes, a nugget, a bundle of clothes and a pair of fowls, with which the unlucky rascals had probably anticipated making a comfortable supper, but they were destined to feed a more honest man, for the detective who searched Williams afterwards under cross-examination, amid the laughter of the court, said he had consumed the poultry, and that "they were very good." On the other man, John Flanagan, we found £47 10s. Each had a pair of heavily loaded pistols, which convinced us that the precautions we used in securing our prisoners were not unnecessary. One of the pistols was identified by Whelan as his property.

Both men were sworn to as being two of the four St. Kilda Road robbers by several of the gentlemen who had fallen victims to their audacity. They were likewise identified as the men who had robbed Aitken's Gap. They were found guilty, and each received three cumulative sentences, which, in all, amounted to thirty years' hard labour on the roads, a considerable portion of the time in irons. Both were old convicts who had been sent to Van Diemen's Land from England during the transportation era. Even in duration, the "wicked" Williams would not "cease from troubling," but took a prominent part in the murder of Mr. Price, for which he was executed, and it is to be hoped that he is "now at peace."

Of the fate of their companions in the St. Kilda Road bushranging, I remember nothing; but, probably, they were soon brought "before their betters" for some other crime.

#### THE BLACKSMITH BUSHRANGER.

William Day was an old convict, sent to Van Diemen's Land from the old country under a heavy sentence. Having gained his liberty he made his way to New South Wales, and joined a motley crowd on the "rush" to the Turon goldfields. He settled at Sofala, where between blacksmithing and fossicking he managed to live in comparative comfort, it being generally understood in the locality that he had amassed quite a little fortune. But the old instinct was still apparently strong within him; he joined a man named Wilson, alias Doyle, with whom he shared



an unenviable reputation on the diggings—it being currently believed that one or both of them had been concerned in the murder of Trooper Codrington on the Bathurst-Turon road some time before—and the pair set out on a journey across the mountains.

In the mail coach on its journey from Bathurst to Sydney in June, 1859, there were only two passengers, one of them no less a personage than the Hon. L. H. Bayley, Attorney-General for the colony, who was returning to Sydney from Circuit work in the west ; but the mail bags contained nearly £5000 in bills, cheques, notes and cash, sent from the country banks to head quarters, or from country business men to Sydney merchants.

The mail was slowly ascending one of the long hills nearing Mount Victoria, on the Blue Mountains, the two passengers walking some distance in advance, as was the custom, when suddenly the driver, William Andill, who was at the horses' heads, was startled by the appearance of Day with a gun and a peremptory order to stop. The unarmed driver could but obey, for the hill was too steep to permit of escape. The next order was "Chuck out the mail bags." "I must not do that," said Andill, "if you want them you must take them yourself." All this time the bushranger, who had a piece of blanket or bag over his head, with a hole cut in it to see through, kept his double-barrelled gun presented. Three times he repeated the order, and was disobeyed : at last he said, "I have asked you three times : I don't want to shoot or murder you ; but, by God, if you don't give me the bags I will." Andill then got upon the box and threw the bags out, the gun being pointed at his head the whole time. When all

the bags were on the road in a heap, Day, still keeping his gun at the "ready" and with a large horse-pistol sticking out prominently from his belt, ordered the driver to proceed. Without waiting for a second bidding he did so, and reaching his two passengers, pulled up and informed them excitedly that he had



HON. L. H. BAYLEY.

been robbed. "Yes," answered the Attorney-General, "we saw it all." The bushranger, who still kept his gun levelled in their direction, then threatened that if they did not move on at once he would shoot them; they hurriedly climbed into their seats, the driver

gathered up the reins, and pushed his well-rested steeds forward on the hilly road.

At the time of the "sticking-up" there was a road-party working on the mountain road, a few hundred yards distant, but they did not take any notice of what was going on; about a mile further on the road was a company of about a hundred Chinamen, travelling from Sydney to the Turon diggings. But the bush-ranger had done his work before they arrived on the scene; and it is not likely that they would have interfered had they arrived in time, seeing that they were all "new chums," and altogether ignorant of English. The Chinese in those days were frequently to be met with travelling in hordes; they trotted along the road in single file, with huge mushroom hats, baggy trousers and sandals of every conceivable pattern, balancing their basket-poles on their shoulders and jabbering cheerfully to each other as they jogged.

Passing this crowd of gold-hunters, the driver tooled his team to the toll-bar on the road, about a mile distant, where information of the robbery was given to the keeper, Mr. Shepherd, and then the coach proceeded on its way to Hartley, where there was a police station. Several mounted troopers happened to be at Hartley at the time, and Andill conducted them to the spot where the robbery had taken place; but the bush-ranger had disappeared and left no tracks.

As soon as he had seen the coach well on its way, Day lowered his gun, gathered up the mail-bags (it was a heavy load, but he was a remarkably strong man), and plunged into the bush, making for the retreat which he and Wilson had arranged upon. After leaving the road he was joined by Wilson and the load

was divided, the two men pushing on as fast as possible across a very deep gully, using a primitive sapling bridge to reach the opposite side, and destroying the bridge after crossing in order to throw their pursuers off the scent. They then penetrated a thick scrub and there cut open the bags and bundled the contents into a heap for sorting, subsequently selecting all the letters containing anything of value and putting them into one bag.

Having thus lightened the load they penetrated further into the mountains, tree-marking as they went for the purpose of making the road to the "plant" more easy to find. Reaching a favourable spot, where the scrub was very dense, they proceeded to examine their booty further, and at once picked out all the red-taped registered letters and placed them apart. After they had "gone through" the bag, and counted the cheques, notes, watches, jewellery and other valuables, they supplied themselves with some silver and a number of the notes, replaced the rest in the bag, and "planted" it carefully in a large hollow log. The letters which had contained money they burned, together with the cheques and other papers which were not negotiable; and having also concealed their firearms and obliterated their tracks, crossed the bush for Bell's line of road, which they followed past Bowenfels to the Mudgee-road, intending to put up for the night at Walton's public house.

Day had previously stayed at this house, and was on good terms with Walton; he was, therefore, somewhat disappointed on entering to find that Walton had sold out to a retired sergeant of police, named McGregor, who had been stationed at Hartley. When

they entered the landlord and some of his customers were talking about the mail robbery, news of which had reached them during the day—for the place was only about 12 or 14 miles from Hartley, and the robbery had been committed at about 8 o'clock in the morning. Turning to Day, the landlord asked him if he had come up the road. "Yes," said Day. "Did you hear aught about the coach being stuck up?" added McGregor. "Yes," replied Day, "but a man was taken up at Hartley for speaking of it, and I don't wish to talk about it as I might be taken up myself." This set the landlord's wits to work; he soon became suspicious of his customers, and when he showed them to the bedroom which they were jointly to occupy, he quietly locked the door and sent his servant post haste to Hartley for the police.

At an early hour next morning Chief-Constable Armstrong and Trooper Moran arrived at the house, and McGregor told them his suspicions. At once proceeding to the room they found Day and Wilson in the act of dressing, and straightway began to question them. A bundle of notes was found on Day, as well as a pistol capped and loaded, and a knife; between the bed and mattress there was a letter. Wilson had about seven pounds in money on him. They were at once arrested and taken to Hartley, and their boots, when compared with the tracks, were found to correspond exactly.

The letter which had been discovered in the bed was an ordinary business letter, preserved by Wilson from the heap that was burned. Day subsequently declared that Wilson had kept it for the purpose of betrayal after they had returned to the diggings, intend-

ing to place it in Day's hut and inform the police that he believed him to have committed the mail robbery, when they would of course search the place, find the letter, and arrest him; and when he was out of the way Wilson would return to the mountains, "spring the plant," and disappear with the treasure. That Wilson (who had fallen out with Day on the very morning of the robbery, which accounted for his absence when the mailman was stopped) intended treachery was abundantly proved before many hours had elapsed.

At Hartley the two men were locked up in the cells, and there kept until the arrival of Captain Battye, Superintendent of the Western Patrol, who was on his way to Hartley when he heard of the capture of the robbers. Battye, who was a skilled thief catcher, at once enquired if any of the stolen property had been discovered in the bush, and receiving an answer in the negative he determined to keep the prisoners in the locality while search was being made, knowing that it would be a difficult matter to gain a conviction unless some of the property that could be identified were produced. Having interviewed the prisoners he determined upon making an experiment with Wilson, who had given signs that he would not be averse to turning Queen's evidence, provided such turning would secure him immunity from punishment. He accordingly took Wilson out of the cell in the afternoon of the second day, and having supplied him with a horse started with him into the bush, ostensibly to search for the hidden treasure. But Wilson was not quite prepared for the "splitting" process, and night came on while they were still in the bush, having discovered nothing.

Captain Battye then told Wilson that he intended to camp out in the bush until the missing bags were found, and the man, who evidently had no desire to lie sub jove frigido in that inclement season of the year—he was lightly clad and the party had no blankets with them—at once raised an objection. "It can't be



CAPTAIN BATTYE.

helped," replied the gallant captain, "here we are and here we'll stay until I find those bags; and I mean to chain you to a tree when we camp for the night." Then turning to one of the troopers who accompanied him he enquired if he had the chain ready. Agreeable to

previous arrangement, the chain was produced, and Wilson came to the conclusion that the threat was not an empty one. The party continued their ride for a few miles further into the bush, and then the crestfallen prisoner gave in. He confessed to his complicity in the robbery, and revealed the position of the concealed booty, but explained that it would be impossible for them to reach the spot on horseback, or even to get near it.

Rejoicing at the success of his ruse, Captain Battye then decided to return to Hartley for the night, intending to form a foot party to search the locality pointed out by Wilson. The start was made early next morning, the search party consisting of Captain Battye, the Police Magistrate (Mr. Thomas Brown), the Chief Constable (Armstrong), Sergeant Middleton, Trooper Bagnall, and the prisoner Wilson; three black trackers also being with them. The party rode as far as the top of Mount Victoria and then sent their horses back to Hartley, going into the bush on foot, with Wilson as their guide.

The search occupied the whole day, the distance covered being over thirty miles, in the rough country where the Grose has its headwaters; but nearly everything was recovered, and the party returned to Hartley after nightfall, almost worn out, but elated with their success.

Two days afterwards Day was brought up before the Hartley Bench, and Wilson was the chief witness against him. The informer told the whole story, stating among other things that he and Day had lain in wait for the mail for eight consecutive days, and that



on the day before the robbery they had arranged to "stick up" the gold escort as it passed the same spot, and in fact had the mail covered with their guns when they saw mounted troopers behind it, and fear prevented further action. Day declined to ask any questions, and was then fully committed to take his trial at the Assize Court at Bathurst to be held in the following month.

Up to this time Wilson had not been formally proceeded against for his part in the robbery; but in order that he might be legally kept in custody until Day's trial, while yet not committed, he was from time to time brought before the bench of magistrates and remanded. He was remanded once too often. He was kept at the lock-up, and allowed to take exercise in the yard. One day he took advantage of this, climbed the paling fence surrounding the lock-up, and disappeared. It was nearly dusk at the time, and, although mounted troopers were out very shortly after the alarm was raised, scouring town and country, search was fruitless, and Wilson was never re-captured.

Day was convicted and sentenced to seven years' hard labour, serving his sentence on Cockatoo Island. On the whole he was a "good conduct" prisoner while there, and received such indulgences as his orderliness among a disorderly crew merited. But if he had not taken life before, he took a life on the island. He had been appointed overseer of one of the prison working gangs, and enjoyed immunity from slavish work. His previous knowledge of prison discipline stood him in good stead, and he was able to shape his conduct with a constant eye to indulgences; but on one occasion he took part in an affair which might have cost him his

position, if not his life. A group of the convicts were spending a portion of their "airing" time in "yarns" about the native blacks and their weapons, their skill in throwing the spear being chiefly dwelt upon. Day was present and boastfully said he could throw a spear as well as any blackfellow, as he had learnt the art when at the blacks' camp in the bush. One of the convicts named James Heald questioned his ability, when Day dared him to stand at a certain distance before him while he threw a long strip of Kauri pine, much like a spear, and about 11 feet in length and an inch in thickness. Heald did stand and Day threw the piece of wood, there being a space of about 60 feet between the two men. The missile, propelled with great force and precision, struck Heald in the face just below the eye and inflicted a terrible wound. The convicts managed to hide the occurrence from the authorities until Heald's death made it impossible. An inquest was then held, but as it was sworn that all that Day did was done in "sport," and that Heald contributed to his own death by engaging in that "sport," very little was made of the matter. Heald's removal from the prison yard and cells made one convict less—that was all.

Before the full term of his sentence had expired Day was released, and shortly afterwards he returned to the old locality near Sofala and resumed his dual calling—that of blacksmith and digger—which he followed until old age and infirmity had robbed him of his vigour. For many years he lived in comparative solitude. He died in 1898, in Bathurst Hospital, having sought admission there when he realised that he was sick unto death.

## CHAPTER VI.

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### GARDINER AND PIESLEY.

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FRANK GARDINER, "THE KING OF THE ROAD."

The mere mention of the name of Frank Gardiner in any part of the Western or Southern districts of New South Wales is sufficient to set any of the residents in those districts of 30 years' standing talking of the "old bushranging days." For Christie, alias Clarke, alias Gardiner, has been ever looked upon as the "father" of that bushranging which was followed by so many young men during the decade commencing in 1860.

There was a great difference between the men who "took to the bush" during the old convict days and those who made bushranging a profession after the country had been fairly opened up and settled; there was a great difference, too, between their methods. The former, as I have already pointed out, were mostly escaped convicts: some had been brutalised by the harshness of the system—others, knowing that a price was set upon their heads, were prepared to go to any length in preserving their freedom. But the men of the sixties were, as a rule, native-

born Australians, spoilt by a life of laziness, and enamoured of the romance which attached to bushranging. Love of excitement more than desire of pillage led them to take up the "profession," and in at least three cases the career had its origin in a midnight "lark."

Frank Gardiner—to use the name by which he was commonly known in the bush—was born at Boro Creek, near Goulburn, in 1830, and when quite a young man crossed the border into Victoria, where he was soon notorious. In June, 1850, Mr. Lockhart Morton, who had recently taken possession of Salisbury Plains Station, on the Loddon, suddenly discovered that all the horses on his station, with the exception of four which were in a secure paddock, had mysteriously disappeared. He was a man of pluck and energy, and after making a supply of cartridges for his guns and writing to the chief constable in Melbourne, asking him to send intelligence of the robbery to Geelong, Portland, and Adelaide, daylight on the Wednesday morning (the horses had been removed on the previous Sunday) saw him in the saddle fully equipped and determined to run down the robbers.

The only reliable man he could take with him was Will Mercer, the cook at the station, who was an experienced bushman and expert tracker, like his master; but an old man named Williams, who had reached his seventieth year, volunteered to make one of the party, as a horse belonging to him was in the stolen mob; and although he could not be expected to do more than follow and keep the two men in view, he was allowed to start with them. Getting on the tracks they ran them past Korong towards Charlton,

and south through the bush to the Wimmera River; thence to Lexington, where they took the road and kept it past Chirnside's cattle station at Mount William, and Dr. Martin's Mount Sturgeon station, to an hotel at the Mount. There they learned from the publican that at races held two days previously the robbers had run horses against those entered by the police. From him also Mr. Morton obtained a letter which one of the gang had left behind to be posted. With this they went off full gallop to Hamilton, where the clerk of the bench opened the letter. It was addressed to Mr. Crouch, the postmaster at Portland, who also was an auctioneer, and ran as follows:—

Sir,—I have no doubt you will be surprised to receive a letter from a stranger, but as it is on business I presume it does not matter. I have sent my representative, Mr. William Troy, to Portland with thirty-three head of horses, which I consider a fair sample for any market. I wish you to dispose of the same by the hammer to the highest bidder. I have authorised Mr. William Troy to receive the proceeds, and his receipt will be sufficient. Be good enough to let him have only such money as is current in Portland. Should the price realised please me I will send over another draft in the course of a month.

I remain, sir, yours obediently,

WILLIAM TAYLOR.

Lake Mingo, Murray River.

From Hamilton they followed the tracks towards Portland, and at last heard that there were men with horses at Bilston's Hotel, on the Fitzroy. There the robbers were found and secured—Gardiner, Newton, and the overseer, William Troy. The latter was handcuffed before he was quite awake, and was very contemptuous of his captors. "Oh, you have done a heavy trick," he said; "you have come here with guns

and pistols and swords, and one man with a big whip around his shoulders, to take three men unarmed, asleep in bed. Oh, you have done a heavy trick!" Old Mercer called him a scoundrel for stealing a poor man's horse. "Had you a horse among the lot, old fellow?" said Stuart; "if I had known that I would have cut him out for you; but I was not coming up to your kitchen to tell you we were going to take the horses."

On the following day the three horse-stealers were fully committed to stand their trial.

The court was to sit at Geelong in October, but about a week before the time fixed William Troy managed to escape from custody.

The other two were tried, convicted, and sentenced to five years imprisonment with hard labour in Pentridge Gaol. Gardiner, however, shortened his term to five weeks. The superintendent employed a number of black troopers as guards in the open, where the prisoners worked, and Gardiner suddenly one day attacked his guard, wrenching the carbine out of his hand, and fired as he fled: whereupon the whole gang of eleven prisoners got clear away.

Shortly afterwards Gardiner was seen on the Bendigo goldfields; but finding himself observed he suddenly disappeared across the Murray into New South Wales, and made his way back to Goulburn, where he remained at large for three years. He at last resumed his old practice of horse-stealing, and in 1854 was arrested, brought before the Goulburn court, and convicted on two separate charges, receiving a sentence of seven years' hard labour on the roads or

other public works of the colony for each offence. He was forthwith sent to Cockatoo Island.\*

Here he behaved well (but for one attempt to escape), and after serving about half his sentence was released on a ticket-of-leave† for the Carcoar district. Shortly after his arrival at Carcoar he reported himself at the police station, and at the same time enquired if a settler named Fogg resided in the district. "No," was the reply of the Police Magistrate, "he lives on the Abercrombie, and if you go over there it will be the duty of the police to arrest you for being out of your district." In spite of this he seems to have visited Fogg, but was left unpunished until certain horses and cattle mysteriously disappeared; then, search being made for him, he disappeared also. It turned out afterwards that Fogg and he had gone off to Lambing Flat gold-diggings, and were engaged in a butchering business at Spring Creek. There a petty quarrel brought him again under the notice of the police, and only the lack of quick communication between Carcoar and Lambing Flat saved him from renewed imprisonment.

When next he was heard of in the Lambing Flat district he had developed into a veritable Knight of the Road, a terror to every settler, and the boldest and greatest breaker of law that ever troubled the police.

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\* This prison was on a large island in the Parramatta River, about two miles west of Sydney Cove. In those days it was used as a penal establishment for the worst kind of male offenders, and was capable of accommodating nearly 200 prisoners. The prisoners' quarters were situated in an enclosure on the summit of the island, the governor's house being built on the east side. On the east end of the island was the Government slip and dry dock, called the Fitzroy Dock, at which her Majesty's ships of war on the station were cleaned and repaired. These stupendous works, constructed in the solid rock, were built almost exclusively by prison labour, and convicts incarcerated on the island were subjected to the most rigorous treatment, escape being almost impossible.

† The holder of a ticket-of-leave could only reside in the district named in his ticket.

Fogg had also disappeared and gone back to his farm on the Fish River, near the Abercrombie, and soon after road robberies became frequent, which were at last attributed to Gardiner: whereupon the police began to "shadow" Fogg, in hopes of catching the greater criminal.

Early in the month of July, 1861, Sergeant Middleton and Trooper Hosie, who were stationed at Tuena, the nearest police station to Fogg's, left Bigga early one morning, information having been received by them that Gardiner had been seen in that locality. Reaching the Fish River they proceeded as quietly as the rattling of their accoutrements and their heavy-shod horses would allow, and arrived at the "slip-panel" which gave ingress and egress to the Fogg domain. The point of entrance was in front of the house, and as soon as the horses had got through Middleton rode forward at a canter, Hosie following at a smarter pace as soon as he had put up the rails—the object in again closing the entrance being no doubt to hinder the escape of the man for whom they were looking if he happened to be within the enclosure. As Middleton reached the door Mrs. Fogg appeared, and ran back indoors in alarm. The sergeant jumped off his horse, and made after her, when suddenly Fogg and his wife, with the children, ran past him into the open. This act alone was sufficient to convince the police that they had arrived at an opportune moment.

Middleton could see that the one front room was empty, but that there was another doorway at the back, which was covered with a calico screen. As he stepped inside he saw this screen move, and, going up to it, heard a loud call from the inner room "If you



enter I'll shoot you." Making no reply, the sergeant suddenly lifted the screen with his left hand, having a pistol in his right ready for use. No sooner had he done so, however, than a shot was fired from within the room; and Middleton, unharmed, at once dropped the screen and drew back a couple of paces.

But he had seen a man within the room, and knew the exact position in which he stood; he raised the screen a second time and fired as he raised it. Simultaneously, however, the man fired also, and the bullet from his pistol struck Middleton fair in the mouth, and passed into the lower jaw. Once more the sergeant dropped the screen and fell back, expecting his assailant to rush out; but there was no movement from within and Middleton determined to have another shot. But his pistol was empty, and when he proceeded to re-load he found that he had also been shot in the left hand, the bullet passing through the back of his hand into the wrist. He went to the front door where Hosie was standing and told him to go round to the back of the house, and see if he could enter the hut from that direction. Hosie did so, and reported that there was no entrance from the back. "Then," said Middleton, "come and take your chance here with me." But the chance proved a poor one, for as he rushed for the inner room calling upon the man to surrender, at the same time firing into the room, two sudden answering shots came back in reply and Hosie fell wounded and stunned to the floor.

The man inside was thus far master of the situation, and if he had kept inside he would probably have come off victorious. But seeing Hosie fall as though killed, and knowing that Middleton was badly wounded, he

determined to make a rush for liberty, without waiting to re-load. Seizing his pistol by the muzzle, he ran out towards Middleton and attempted to strike him with the butt-end. The sergeant parried the blows with a heavy-handled whip, and managed to deal his assailant some severe ones in return; in the nick of time Hosie recovered, sprang up, and caught the man from behind, while Middleton used the whip-handle on his head. In the struggle they all three rolled out of the house, and then Fogg ran up and interfered. "Don't kill the man, Middleton," he cried, and then "You'd better give in, Gardiner." At that the police knew they had the man they wanted, and Hosie redoubled his exertions to secure him. The two fell, locked in close embrace, Hosie being uppermost, and Middleton again attempted to strike, but was prevented by Fogg, who kept calling to Gardiner to give in and prevent actual murder. Middleton then threw his handcuffs to Hosie, who still managed to keep uppermost, and after some trouble, Fogg still persuading him to "give in," Gardiner was secured. It was then found that he had grown suddenly weak, and also that he had been wounded in the firing, while his head had been much cut about by the blows from the hunting whip.

Fogg and his wife assisted to get Gardiner into the house, where Hosie kept guard over him, while Middleton searched other portions of the premises, under Fogg's guidance, to make sure that no more bushrangers were about. If there had been, they would have shown themselves long before, but the police did not think of that. In the end Fogg was asked to send to Bigga for assistance, but he replied



FRANK GARDINER.



that there was no one there who knew the way. "Then lend me a horse for a man to ride," said the sergeant, to which Fogg replied "I can't do that, for I have no horse." There was nothing for Middleton to do but start, wounded and weak from loss of blood as he was, for Bigga, leaving his equally weak and wounded companion to stand guard over the prisoner, who was also weak and wounded, but still in the house of the man who sympathised with him and who had previously associated with and harboured him.

So Middleton mounted his horse and faced for Bigga, giving Hosie instructions to start with his prisoner in the same direction as soon as he had recovered a little strength. The journey, which under ordinary circumstances would have occupied about an hour and a half, was not accomplished under five hours.

When Middleton rode slowly away he left Gardiner lying on the floor of the house, handcuffed and so badly hurt that he believed him to be dying; but if all that was subsequently stated by the man in whose charge he had been left be true, he was very far from dying, although it would have been a good thing for the colony if he had been actually dead. How the escape was effected has never yet been made known with sufficient clearness to satisfy the minds of an "inquiring public." At the time and for many years afterwards contradictory stories were told, some of them not at all to the credit of the officers concerned; but the version that was officially put forth to the world as the correct one was that it was a case of rescue by other bushrangers with whom Gardiner had been associated, and who formed

part of the gang of which he was chief. Hosie's story, given in evidence during Fogg's trial for obstructing the police, was as follows:—

(After describing what happened up to the time when Middleton left for Bigga) . . . . "In about an hour and a half I found myself getting faint and called upon Fogg to take Gardiner in charge, which he did, and when I recovered I found Gardiner in the same place as when I fainted. I do not know whether he made any attempt to get away from Fogg, but shortly after I recovered he tried to get away from me; he attempted to throw me down, and we struggled together for a quarter of an hour, when he got away and rushed towards the river, which was flooded, when he turned and got a sapling and rushed at me with it. I fired at him and overcame him. Fogg then assisted me again, and we took him back to the house and gave him some refreshment. As Middleton did not return with assistance, I thought he must have died on the road, and I asked Fogg to assist me to take Gardiner to Bigga, which he did, and got two horses, one for himself and the other for Gardiner to ride. Fogg led Gardiner's horse, and I rode behind. When we had got about  $3\frac{3}{4}$  miles on the road toward Bigga we were attacked by two bushrangers, one of whom I believe to be Piesley, who ordered Fogg to let go Gardiner's horse, or they would shoot him; he did so. They then fired at me, and I fired at them—the only charge I had—when they both rushed at me and covered me with their revolvers. Fogg rushed up and begged of them not to shoot me, but to spare my life, and I believe they would have shot me only for Fogg's interference. They then left, taking Gardiner with them. After they

left, Fogg accompanied me for about a quarter of a mile on the road for protection."

Who dressed Gardiner's wounds and nursed him back to health has never been disclosed; but that he was nursed back to health in a comparatively short time is proved by the fact that within a few months he was again reported as being "on the road," robbing travellers, in company with another noted bushranger named Jack Piesley and a couple of others. In the meantime, the Government had offered £50 for information that should lead to their capture, and soon followed this up with the following announcement, made in the "Police Gazette" of January, 1862:—

ONE HUNDRED AND SEVENTY POUNDS  
REWARD.

ATTACKING AND WOUNDING THE PATROL  
WITH FIREARMS.

BATHURST DISTRICT.

(Vide Report of Crime of 29th July, 1861, and ante.)

On the 16th July last Sergeant Middleton and Trooper Hosie, of the Western Patrol, were attacked and severely wounded at the Fish River by Francis Clarke, alias Jones, alias Christie, a ticket-of-leave holder, illegally at large from his district; a native of Goulburn, New South Wales, 31 years of age, 5 ft. 8½ in. high, a laborer, dark sallow complexion, black hair, brown eyes, small raised scar in left eyebrow, small scar on right chin, scar on knuckle of right forefinger, round scar on left elbow joint, two slight scars on back of left thumb, short finger nails, round scar on cap of right knee, hairy legs; wounded in the above affray on left temple by pistol ball or whip. He was captured and afterwards released by two armed men of the following description: John Piesley, a ticket-of-leave holder, illegally at large from his district; a native of Bathurst, New South Wales, laborer, about 28 years of age, about 5 ft. 10 in. high, stout and well made, fresh complexion, very small light whiskers, quite bald on top of head and forehead, several recent marks on face, and a mark from a blow of a spade on top of head; puffed and dissipated-looking from hard drinking, invariably wears fashionable Napoleon boots, dark cloth breeches, dark vest buttoned up

the front, large albert gold guard, cabbage-tree hat and duck coat. Sometimes wears a dark wig and always carries a brace of revolvers. He was in Sydney some weeks ago in company, it is supposed, with Zahn, alias Herring, of the Abercrombie. The other man is about 26 years of age, and about 5 ft. 6 in. high, light hair and whiskers, and small light moustache, sallow complexion. A reward of £20 is offered for Gardiner's apprehension, and £50 will be paid by the Government to any person who may, within six months from the present date, give such information as shall lead to the apprehension and conviction of the said John Piesley, and £50 will be paid for the apprehension and conviction of each of the other offenders.

But leaving Gardiner for a time, we must turn aside to the history and exploits of the man whom Hosie declared to be the chief instrument in his rescue from custody.

### JACK PIESLEY.

From the very first of Gardiner's road adventures in the West he was associated in the police and press reports with another notorious criminal named Piesley, who was also an old Cockatoo hand.\* Piesley had been sent to Cockatoo for cattle stealing, or a similar offence, and had either escaped before his sentence had expired or been released on a ticket-of-leave, as was Gardiner. He returned to where his parents lived, in the Abercrombie district. During the years 1860-1 many robberies (mostly of travellers) were perpetrated on the roads in the Goulburn, Abercrombie, Cowra, and Lanbing Flat districts, and Piesley was generally credited with them. Sometimes the "sticking-up" was done by one man, at other times by three or four, but whether singly or in company, the bushrangers always succeeded in "clearing out" their victims without meeting violent resistance, as well as in keeping

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\* The term applied to those who had served a penal sentence on the island near Sydney which is now called Biloela.



out of sight of the police. The day after one robbery they would be heard of as having committed another scores of miles away, perhaps in an altogether different district.

As I have already stated, at the time of the encounter between Gardiner and the two policemen at Fogg's, the general impression was that Piesley was not far off, and that Gardiner had simply left him at a friend's house while he went to have a yarn with his old partner, so that Hosie's story found ready acceptance. But Piesley always denied that he had anything to do with rescuing Gardiner, and stoutly maintained that Fogg had bought his release by giving Hosie £50 to let him go. So indignant was the bushranger at the charge made against him that from his hiding place in the Abercrombie he wrote a letter to the "Bathurst Free Press," emphatically denying it. This was dated "Fish River, September 4th, 1861," and ran as follows:—

To the Editor of the "Bathurst Free Press and Mining Journal."

Sir,—You will no doubt be surprised to receive a note from the (now by all account) noted Piesley; but, sir, through your valuable paper I must make it known that, if it be my lot to be taken, whether dead or alive, I will never be tried for the rescue of Gardiner, in the light in which it is represented; nor did I ever fire at Trooper Hosie. And such I wish to be known, that it is in my power to prove what I here assert, and that beyond a doubt. I am no doubt a desperado in the eyes of the law, but never, in no instance, did I ever use violence, nor did I ever use rudeness to any of the fair sex, and I must certainly be the Invisible Prince to commit one-tenth of what is laid to my charge. And, sir, I beg to state that it is through persons in high positions that I now make this assertion, and I trust I may never have to allude to it again. I love my native hills, I love freedom and detest cruelty to man or beast. Trusting you will publish this, my bold letter no doubt, but you can be assured it comes

from the real John Piesley, and not any of his many representatives.

I am, Mr. Editor, your much harassed writer,

JOHN PIESLEY

Piesley felt so deeply on the subject that he reiterated his denial when on the scaffold in Bathurst Gaol in April of the following year, while the hangman was standing by.

In the latter part of 1860 the mail coach was being leisurely driven on its way from Gundagai to Yass, having only the mail bags and a few parcels "on board," when the driver was startled out of a deep reverie by hearing a sudden and peremptory demand to "pull up." He obeyed with alacrity, and on looking in the direction from which the voice had proceeded saw two mounted men, with firearms presented towards him. One of them went to the heads of the horses while the other called upon the driver to dismount. This order he also obeyed, and was promptly covered by a pistol, while the other robber lifted the bags out of the coach and strapped them on his horse. Having secured all they wanted—the bag containing newspapers was cast aside—the bushrangers told the driver he could resume his seat, and while he was gathering up the reins they rode off with their booty. The description of one of them answered to that of Piesley, and the impression that he and a mate of his were the robbers was strengthened when the driver described the horses they were riding as "upstanding bays." As soon as the local police were informed, they started out in pursuit, but the robbers had vanished from the locality, carrying the bags and their contents away with them.

A few days afterwards the two men on bay horses were heard of as "keeping the road" between Lambing Flat (or Burrangong) and Cowra, which at that time was alive with travellers on their road to the "diggings" or returning. For a couple of days they robbed all and sundry who chanced to come within hailing distance. Even bullock drivers were "bailed up" and made to hand over whatever money they had. One of these drivers, who was returning from the Flat with his empty dray after having delivered a load of goods in that then thriving canvas township, was eased of all his earnings most unceremoniously. Carrying in those days was a lucrative employment, and not a few cases could be cited of men, now wealthy, who laid the foundation of their fortunes as hard-working teamsters. This man had £47 in his pocket, every penny of which he was compelled to hand over. Leaving him to his sorrowful meditations the robbers passed on, and next came across a company of six men bound for the diggings with swags on their backs. Piesley stood guard over them with levelled revolver while his companion made each in turn empty his pockets, getting about £10 between them. On the same day a solitary straggler, the whole of whose wealth in money consisted of eighteen pence, was also stopped, and the robbers took from him every copper. Another teamster returning with his empty dray to Bathurst had a narrow escape of losing his money. He had earned between £40 and £50 on the trip, and this he wrapped up in the folds of an old comforter which he wore round his neck. When the bushrangers demanded his money he handed over the loose silver which he had in his pockets, protesting that he had no other

money, and they did not dream of searching the greasy looking woollen wrap which protected his throat.

One traveller, who was on his road home to the Bathurst district, escaped their clutches, and made the best use of his escape. Meeting the coach, which was crowded with passengers for the Flat, he gave warning that bushrangers were about, and the passengers at once set about secreting their money and valuables under the seats and in other parts of the vehicle; but they were not molested on that journey—perhaps because in number they looked too formidable. For four days the two men pursued their work of “bailing up,” and then the police arrived upon the scene—as usual, just a day too late.\*

They now made back by the old Lachlan road for the Abercrombie, where one of them at least had relatives, sympathisers and friends. On their way they called at Cheshire’s Inn, near Caloola, for drinks, and at night re-visited the house and bailed up the inmates, while one of the party searched the premises in quest of spoil. From some diggers they took two revolvers; from a Mr. Paton, who had £17, but managed to drop £15 of the amount whilst being led from the kitchen to the front part of the house, they got a poor £2. Another person was there who, it had been reported, wanted a wife. The robbers took two shillings from him, but learning who it was, they gave him his money back again, saying that as he wanted a wife they would not deprive him of the means of obtaining one. He said he did not want a wife, but he would like a piece of the liquorice that had been taken from

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\* At this time only one constable and two troopers were stationed at Cowra, and had all their work cut out for them in a locality about which gathered some of the worst classes of the colonies on their way to the goldfields.

one of the party ; the rogue who had possession of the article referred to, immediately cut it up and distributed it among the company. The robbers then shouted for all hands, paid the score, and took their departure. There were no police in the locality to disturb the roadmen, and some days elapsed before the police in the Tuena district heard that Piesley was again in the neighbourhood.

But while the news was travelling the bushrangers were travelling also. They had cut across country to the southern side and caused a sensation by "sticking up" the mail between Gundagai and Yass, choosing a dark night for the purpose. They had compelled the driver to dismount from his seat and stand at the roadside with the passengers, and were in the act of ripping open the mail bags to search for money letters, when some police rode up, on their way to the station at Yass. As soon as the bushrangers discovered that the horsemen approaching were not ordinary travellers they abandoned their spoil, mounted their horses, and beat a hasty retreat into the bush. The astonished troopers at once took in the position and gave chase, but police horses never yet have proved a match for bushrangers' steeds, and the robbers got clean away.

Several highway robberies were committed on the Goulburn road during the next few days, and then the men appear to have made back for a "spell" among the Abercrombie Ranges. They certainly needed a spell, if they were concerned in all the robberies about this time which the public put down to them. Here is one, for instance :—

Between three and four o'clock, two men named Charles Blatner and George Jones, when about two miles on this side of Paddy's River, on their way to Goulburn, were set upon by

three men armed with revolvers and en masque. The tallest of the three called out to the travellers "to stand and strip," and forced them to take off every stitch of clothing. The highwaymen then proceeded to possess themselves of the money of their victims, amounting to about £19, being £12 in notes, £5 in gold, and the rest in silver. The robbers being apparently satisfied with their booty, returned the travellers 15s and decamped. The highwaymen are thus described by Blatner and Jones:—One was about 5 ft. 10 in. in height, with blue shirt, moleskin trousers, cabbage tree hat, and Napoleon boots; the other two were about 5 ft. 8 in., and wore the same dress, viz., blue shirt, moleskin trousers, and Californian hat.

Within a fortnight the "Bathurst Free Press" contained the following paragraph:—

Robberies have now become of such every day occurrence that we are surprised when a day passes without hearing that something fresh has occurred. On Friday last as two Chinamen were proceeding from this place to the Abercrombie they were stopped by three mounted highwaymen who robbed them of £12 in gold, two horses, two new saddles, and a new coat. On the following day as a party of diggers and their wives were coming from the Lambing Flat, they were stopped near the Sheet of Bark by three armed men, who placed the whole of them under tribute, and then compelled one poor fellow to strip, and took three £10 notes from him which he was taking to his wife and family. A man named James Newsome was sentenced to six months' imprisonment for a robbery at Maroonney's inn. On Sunday last as a number of Chinamen were proceeding from the Abercrombie to the Lambing Flat, four mounted men attempted to stop them for the purpose of robbing them; but the Chinamen fired at them and the rogues made a hasty retreat. We also heard of several other robberies, but have not as yet heard the particulars, and although our constables are always on the alert they have not as yet been able to apprehend any of these bushrangers, and we are much afraid that it will require some determined steps to be taken by the Government before they are captured.

A few days afterwards the following appeared in the same paper:—

On the night of Friday, the 23rd inst., Mr. Charles Bell, storekeeper at Back Creek, received an unpleasant and unceremonious visit from two of the bushranging fraternity. It appears that Mr. Bell is in the habit of purchasing small

parcels of gold from the diggers in that locality, and he visits Bathurst weekly for the purpose of turning his purchase into cash. On the day named Mr. Bell had been into Bathurst, and it is supposed that the villains knew he had brought home some money. About 10 o'clock p.m. just before retiring to bed, Bell went to the door where he was met by two men, disguised by wearing red comforters around their throats and faces, and each of them armed with a revolver. The men presented the revolvers at Bell's head, and marched him into one of the rooms, where he was ordered to stay while they went into the bedroom to search for the money. Mrs. Bell was in bed, but they told her not to be alarmed as they would not injure her. Having found the cash box in one of the drawers they at once decamped with their booty. Early the next morning Mr. Bell proceeded to Mr. Keightley's at Pye's station, and obtained the assistance of two troopers, who returned with him to Back Creek. Close by were discovered the tracks of three horses, which tracks were followed to a barn of Mr. E. Golsby's, where the cashbox and certain promissory notes, cheques, and receipts for cash were found. It is evident that the villains having obtained the cash box went to this barn and struck a light (some matches were found on the spot) and divided the spoil, leaving the box and papers which were of no use to them to be reclaimed by Mr. Bell. Three men who had been working for Mr. Golsby for a short period were not to be found next day, nor have they been since. The troopers endeavored to get on the tracks of the villains, but we believe they have not succeeded in capturing them.

About this time a proclamation appeared in the "Government Gazette," offering a reward of £100 to any person who should within six months from that date give such information as would lead to the apprehension and conviction of Piesley; and also a reward of £50 for the apprehension and conviction of the other offenders associated with him.

All this had happened before Gardiner's rescue from Hosie, and Gardiner had been already named as one of Piesley's companions. That they were at this time acting in concert there can be no doubt, although they were not always together.

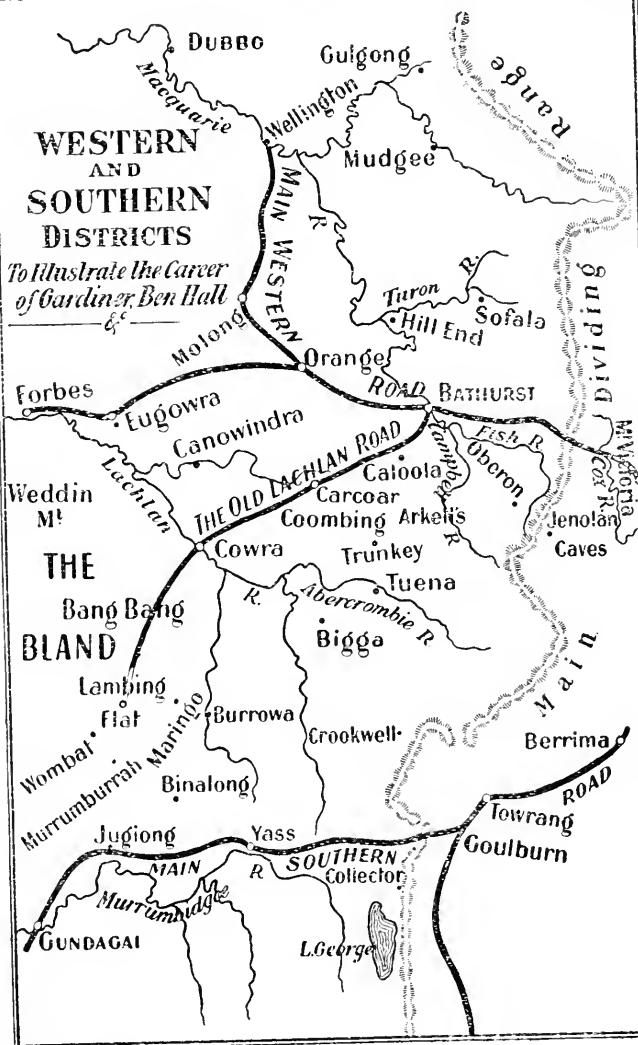
Shortly after the publication of the Government

proclamation offering a reward, Piesley and his mates again shifted quarters—from the Abercrombie to Carcoar, from Carcoar to Cowra, from Cowra to Lambing Flat. They devoted one day to the road between Carcoar and Bathurst, and stopped and robbed seven or eight persons on a lonely part of that highway. Mr. Dooley, a butcher of Carcoar, had a narrow escape from something worse than robbery. He was on his way to Bathurst to purchase cattle, and for this purpose carried with him a considerable amount of money. When nearing the top of "The Mount" he was accosted by three men, one of whom asked him for some tobacco, and while he was in the act of taking some out of his pocket, the men revealed themselves to him in their true character and demanded his money. But Dooley could not see any virtue in this method of dealing, and without a word put spurs to his horse—he was fortunately well mounted—and galloped down the hill. The men pursued, one of them firing at the fugitive to check his flight. The bullet passed through the horse's ear, but Dooley escaped unhurt, out-distanced his pursuers, and kept up speed until he reached Bathurst, when he at once gave information to the police, who rode "up the hill and down again," with the usual result. While the troopers were scouring the bush in the locality where the robberies had taken place, Piesley, Gardiner, and the unknown were speeding towards Cowra, and the Bathurst newspaper of the day was saying—"Truly we live in troublous times, and unless some steps are taken to arrest these daylight marauders, and put a stop to their proceedings, it will very shortly be unsafe to travel any distance from the town."



# WESTERN AND SOUTHERN DISTRICTS

*To illustrate the Career  
of Gardiner, Ben Hall  
&c*





The "daylight marauders" were not arrested, however, neither was a stop put to their proceedings. A few days afterwards the Cowra correspondent of the same paper under a heading "sticking-up," said:—

I have again to record several exploits of this nature that have taken place between Cowra and Burrangong. One occurred at Bang Bang. Three men—two of whom were mounted, the third on foot—stuck up a poor fellow, robbing him of his blankets, tea, sugar, and 36s. all the money he had. The same day another man was served the same way, and £33 taken from him. A few days afterwards, a hut near Bland was attempted. One or two men were in this hut, when the door was burst open, and the usual salutation took place—"Stand! or your brains," &c., &c. One of the men in the hut sang out "Take care, Gardiner, what you are about, for I am armed!" "So am I," was the reply, a shot being fired on the instant. The fire was returned, and the assailant was observed to reel back with a stagger as if shot, and shortly after made his escape without further molestation to the brave inmates of the hut; so you see, as I said in my last communication, the folks out that way (Bland) are not to be trifled with. Our six police left Cowra last Monday, apparently with sealed orders; when last seen they were in company out to the north-west, Cowra astern, bearing south-east by compass; weather squally; men and horses somewhat down in the mouth. Signals were exchanged with a stockman bound to Cowra, and the convoy spoke the Condobolin mailman, two days out all well.

The bushrangers now appear to have made a retreat in the Weddin Mountain—a place which subsequently became famous as the hiding place of the escort robbers, and the resort of Gardiner, Gilbert, Hall & Co., whose exploits will be fully narrated in chapters to follow. Here a fourth man joined the gang, probably Johnny Gilbert; and it was from this point that the full tide of bushranging set in. One morning, shortly after the affair at Bang Bang, a messenger rode into Cowra and reported that the bushrangers were out in the neighbourhood of Bogolong and Wheogo, there being four in the gang. They had

bailed up and robbed McGuire's station at the Pinnacle, near Forbes, taking all the money they could find, stripping the men about the place, and dragging them in that condition two miles into the bush. Another man they stopped on the road, stripping him also, and leaving him in that state.

After this, Piesley separated himself from the gang and started to revisit his old haunts at the Abercrombie; but he could not resist the temptation, even when alone, to indulge his freebooting inclinations. Single handed he stopped the Lambing Flat coach early one morning, shortly after it had started from Cowra. There were eight passengers in the coach, three of whom were females, and about three miles from Cowra on the Carcoar side, Piesley, mounted and armed, and with a piece of crape over his face, rode up to the coach, and presenting a revolver, called upon the coachman to pull up or he would make him. The highwayman immediately jumped off his horse, which he left standing in the road, saying—"You see he is used to this sort of work;" he then called upon Mr. Minehan, of Bathurst, who was one of the passengers, to leave the coach and deliver up his cash. Mr. M. fortunately dropped his money in the coach, and the robber found only a few shillings upon his person, which were speedily appropriated. The other passengers were invited to follow the example of Mr. Minehan, and were ordered to "shell out," which they did, to the amount of about £15 between them. The robber did not attempt in any way to interfere with the females, but with his revolver presented and with his finger upon the trigger, told the male passengers they were to deliver up all they had, or if he found anything

upon them afterwards he would make it a caution to them. He ordered Mr. Ford, one of the coach proprietors who was present at the time, to deliver up the mail bags, which order being complied with, he asked Mr. T. Cummings, another passenger, for a knife, with which he soon opened the bags, and selecting such letters as he deemed valuable he left the rest to be gathered up by the coachman whilst he made his escape. One of the parcels thrown aside from the mail bag as useless contained a large sum of money addressed to a gentleman in Carcoar, and several of the passengers managed effectually to secrete their cash and valuables either in the coach or upon their own persons. The highwayman gave back some silver to some of the passengers to assist them in paying their expenses on the road.

"The passengers had no arms," said Taylor, the coachman, afterwards, "and did not make any resistance; one of the passengers said that it would have been very easy for them to disarm him, but they did not attempt it." The police superintendent, who was at Carcoar, with all the available troopers and constables, started out to catch the robber, but they had their trouble for nothing. Piesley had made his way past Carcoar and was again among the Abercrombie Ranges, where he evidently intended to remain quiet for a time.

And now we come to the crowning act of this wretched man's life.

On 27th December, 1861, after having spent Christmas with some relatives in the locality, Piesley picked up an old acquaintance named James Wilson, who kept a store on the Abercrombie, and went with

him to McGuinness' public house at Bigga, where they remained all night drinking pretty freely. Next morning, with a bottle of liquor each, Piesley and Wilson started away to a farm kept by a man named Benyon, at no great distance from Bigga. Between 9 and 10 o'clock in the morning, when the men at the farm were busy with the harvest, they rode up to the house and asked for Benyon; Mrs. Benyon directed them to the barn, first supplying them with something to drink, and learning from Wilson that his companion—about whom she was curious, doubtless through seeing him carrying firearms—was a stranger in the district.

The whole party spent the morning amicably together, but about dinner time Piesley challenged Benyon to run, jump, or fight him for £10, and then tried to provoke him to fight. During dinner time he said, "I have a down on you, Benyon; when I was a kid, 17 years ago, you swopped a horse with me which was no good, but I am no kid now." This talk naturally led to a rough-and-tumble fight between the bushranger, Benyon, and Benyon's brother Stephen; and a little later in the afternoon Piesley was seen galloping off to the barn, where the Benyons had gone to work. In the skirmish which followed Stephen Benyon got a bullet in his arm, and the master of the house was shot through the throat and spine.

The strange part of the affair is that none of the men about the place attempted to arrest Piesley, although they saw that poor Benyon had received his death wound. The murderer stayed in the house for a couple of hours afterwards, "looking at Mr. Benyon," said the poor wife afterwards, "with a revolver

in each hand." There were ten reapers on the farm, and not one stirred a finger against Piesley. His victim lingered for six days, much to the surprise of his medical attendant, and then died in great agony.

Meanwhile Piesley had disappeared from the locality, knowing the police would now pursue him with renewed vigour. And so they did, but all their watching and tracking was of no avail. He had "cleared out" of the district, and nothing was heard of him for a month. Then came the welcome news that he had been captured at Tarcutta, in the Wagga Wagga district, while making his way towards the border, with the intention of leaving the colony for good.

The following letter, written at the time by James Campbell, one of the parties concerned in the arrest, will show exactly how the capture was effected:—"On Wednesday night, 29th January, I was in bed reading, when Mr. McKenzie came into my room and asked me if I knew the man in the kitchen; I replied that I did not know him; Mr. McKenzie then said he thought the man was a bushranger, and would like to have him taken. I said I was no constable, on which Mr. McKenzie said he could act as a constable on his own premises, and that he thought the man was Piesley. As soon as I heard him say that it was Piesley, I got up and dressed myself, and went inside the house. In the passage between it and the kitchen, it was arranged how we were to take the man. Mr. Beveridge was to rush on to him, and I was to take the revolver from his hand; Mr. McKenzie was to stop inside the door with a revolver in case of danger. Mr. McKenzie told me he had seen a revolver with the

man in the evening, stuck in the waistband of his trousers, but it turned out to be a pistol, capped. When we went into the kitchen, Piesley was having his tea, and a man was lying drunk beside him, nearer the door. Piesley caught hold of the man and shook him, and asked him if he was going to sleep all night, telling him to get something to eat and he would be all right; the man said 'Who is that?' when Piesley replied, 'It is me.' The man said 'He is a —— rogue,' on which Piesley asked 'Who?' the man replied 'Why he who came in the evening with the bay horse.' Piesley replied, 'Is that it, you —— dog; would you come it?' The man then got up off the form and challenged Piesley to fight for a pound. I found out afterwards that the man had been at work for Mr. Beveridge. He pulled out eight shillings, on which Piesley said 'you —— dog, do you know how you came by that money? did I not give you a pound this evening, and now you are going to turn on me; you would hang a man.' Mr. Beveridge heard some conversation between them in the evening, and we were in hopes that they would quarrel and fight. Had they done so, a good opportunity would have been afforded to take Piesley. I began to get tired while they were wrangling, and sat down on the form beside Piesley, thinking about the safest way to catch him. He had his left hand on the table, and was lifting the cup of tea to his mouth, when I put my two arms under his arms, and getting my hands together, at the back of his, bent his head downwards and cocked his arms out. Mr. McKenzie and Mr. Beveridge then rushed on him. I told them to take the revolver from him, and Mr. McKenzie put the handcuffs on him, and he was thus secured."



Piesley was now handed over to the police, brought under a strong escort by a long and wearisome road to Carcoar, where he was charged before the local magistrates with the murder of William Benyon, and by them committed for trial to the Bathurst Assize Court. The news of his arrest spread through the country like wildfire, and people assembled at different points where he was expected to pass, all anxious to see the man to whose charge so many outrages on the road had been laid, and who had been the associate of Gardiner.

He was tried on March 13th, 1862, and found guilty. On the scaffold, twelve days later, he tried to give his own account of the murder, asserting that they were all drunk together, and Benyon was the provoker of the whole quarrel. With reference to the charge which had been made against him, of being concerned in the rescue of Gardiner from the hand of the police, he called God to witness, that the charge was utterly groundless, as he was not near the spot on that occasion. He knew that Fogg had promised Hosie £50 if he would let Gardiner go free, and the money being made up, the sum of £50 10s was given by Fogg. Among the money paid to Hosie was a cheque for £2 10s, and that was the reason of his receiving 10s over the £50.

## CHAPTER VII.

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### THE EUGOWRA ESCORT ROBBERY.

After his escape from trooper Hosie on the Fish River Gardiner re-appeared in the neighbourhood of Burrangong, and engaged with Piesley and others in the congenial employment of "sticking-up" travellers and settlers.

After Piesley had returned to the Abercrombie, Gardiner appears to have sought and found other and less restless followers in the Burrangong district, which became a hot-bed of bushranging. The following letter, written by Mr. Robert S. Stevens, of Marengo, and countersigned by fifteen other residents in the district, will show the state of the country about this time:—"I am the national school teacher of Marengo. My wife and family are in a distant part of the colony. I require the professional services of my wife, yet I am afraid to send for her because the schoolhouse is in an isolated position, and we have no police protection. This neighbourhood is infested with disreputable characters—from the petty larceny vagabond up to the ruffianly bushranger. Within the last three months no less than twenty robberies have been committed. About seven weeks ago the Plough Inn and Mr. Hancock's stables were broken into, and four saddles stolen; directly afterwards Mr. Kelly's house

was entered by four armed bushrangers, the family tied back to back, and the place plundered. The primary cause of the death of our respected townsman, Mr. Thomas Robinson, was a burglary in his stable. About a month since, Mr. M. Scanlan was stuck up, fired upon, and escaped only through the fleetness of his horse; fourteen days ago the store of the relict of the late Thomas Robinson was burglariously entered and plundered of property to the value of seventy pounds sterling. Strong suspicions were entertained of two parties, but having no police protection within seventeen miles, the spoil was disposed of before we could obtain their assistance. Last Sunday night a burglary was perpetrated in Mr. Fowler's hotel, and all the inmates robbed and ill-treated. In every one of these cases the guilty parties have never been detected."

It soon became evident that Gardiner and his associates were operating in "flying squads," each squad making a certain part of the district its centre of operations for a short time and then suddenly appearing in another part. It was only occasionally that the full body came together, but when they did the report of some bold and dashing raid was sure to follow.

One of the most daring robberies in which Gardiner was personally engaged was on the road near Big Wombat, in the district of Young, when he stuck up Mr. Alfred Horsington and robbed him of 253 ounces of gold and £145 in money. Horsington was a digger and a storekeeper at Lambing Flat, and was proceeding from Little Wombat to the Flat in a spring cart on 10th March, 1862, his wife and a boy named De Burgh being in the vehicle with him and a Mr.

Hewitt, another Flat storekeeper, riding on horseback behind. The boy was driving, as Horsington was suffering from a broken leg. They had not proceeded very far on the road—it was not yet half-past 10 in the morning—when Gardiner and three other bushrangers, Gilbert, O'Meally, and McGuinness, rode up, presented their revolvers, and ordered the party to “bail up.” At the same time a shot was fired by one of the men, and Mrs. Horsington declared that she heard the bullet whistle past her head. Horsington had known Gardiner when he was keeping the butcher's shop with Fogg at Spring Creek, and as none of the bushrangers were disguised in any way he had no difficulty in recognising them; in fact, he said he knew who they were before they came within fifty yards of the cart, but there was no possibility of escape. Gardiner caught the reins of Hewitt's horse, while his companions surrounded the vehicle, and at a word of command from the leader a start was made into the bush, one of the men riding in front and one on each side of the cart, while Gardiner conducted Hewitt. About half a mile away, at a convenient spot in the bush, a halt was called and the captives were told to dismount. While the three men kept their victims covered with revolvers, Gardiner personally did the searching, and very little time elapsed before the gold and notes—representing in all nearly £1000—were transferred from the owner's pocket into his. Gardiner then proceeded to search Mrs. Horsington, excusing his ungallant work on the ground that ladies were sometimes fond of planting money. Mrs. Horsington, however, had only a £1 note. “You may want that,” said Gardiner, “and you can keep it.” “Thank you

for nothing," said the lady, who knew what he had got from her husband.

From Hewitt also Gardiner took some notes and gold, which were in a valise on his saddle. One of the other bushrangers subsequently took the saddle, valise and riding whip, and the horse was only left because it was badly bred. Horsington's horse was also left to him, because of his broken leg; but they made the boy take it out of the shafts and unharness it, to prevent speedy pursuit. "I hope you'll have another load for me next time you come along," said Gardiner, and the bushrangers rode off with their booty.

When the police at Lambing Flat heard of this exploit they at once set out to scour the country, but, as usual, their search for the robbers was futile. It was one of the most successful raids that had yet been made, and it was generally believed that instead of satisfying the robbers the large haul which they had made would have the effect of sharpening their appetites. Those who had gold dust or money in any quantity became naturally very much alarmed. And that belief was confirmed and that alarm was intensified by an exploit which made the colony ring with its record from one end to the other—an exploit which cast into the shade even the road outrages of the most notorious banditti of the olden time.

To say the town of Forbes—then in the height of its popularity as the chief centre of the Lachlan gold-fields—was thrown into a state of the greatest consternation, when on the night of Sunday, June 15th, 1862, a mounted messenger brought the news that the gold escort had been "stuck-up" and robbed by bush-

rangers on the road near Eugowra, conveys but a feeble idea of the effect created by the startling intelligence. The news was first taken to the police camp, but soon spread from one end of the diggings to the other; and before many hours had elapsed the thousands of gold-seekers and those who lived by them and on them were engaged in the discussion of one absorbing topic, each being anxious to learn if his neighbour knew more than himself, and each speculating in his own way whether the police would manage even to find out who the bushrangers were and where they had gone to.

The gold escort was instituted shortly after the discovery of gold. The necessity for making special provision to convey the precious metal safely from the gold-fields to Sydney was apparent to the authorities even before any pronounced case of bushranging had taken place. The individual digger very rarely kept the treasure which he had succeeded in winning from his "claim," whether that treasure could be weighed in ounces or in pounds or in hundredweights; almost invariably he sold it, either to peripatetic buyers who made it their profitable business to give coin or notes for gold dust and nuggets, or to the banks, who purchased, also with an eye to profit, in order to forward the precious metal to headquarters in Sydney. The banks also undertook to transmit gold for depositors, whether diggers or buyers. The gold thus accumulated was, of course, not sent by ordinary conveyance along the road at irregular and uncertain intervals; packed in strong boxes and safely sealed, it was handed over to a properly constituted escort of police, who placed it in the mail coach and guarded it all the way

from the diggings to the metropolis. The escort travelled on fixed days, generally once a week.

On the morning of the 15th June, the four-horse covered mail coach was drawn up at the police camp at Forbes, and four iron boxes containing gold and bank notes amounting to about £ 14,000 in value, were safely placed therein.

Sergeant Condell was ordered to take charge of the escort on this occasion, the large quantity of gold that was being obtained rendering a weekly escort necessary. Everything having been set in order the coach started, driven by John Fagan, one of the best-known drivers on the western line, who is now, by-the-way, a wealthy squatter in the Carcoar district, where most of his life has been spent. Besides the driver and Sergeant Condell there were on the escort Senior-constable Moran, Constable Haviland, and another constable—five in all.

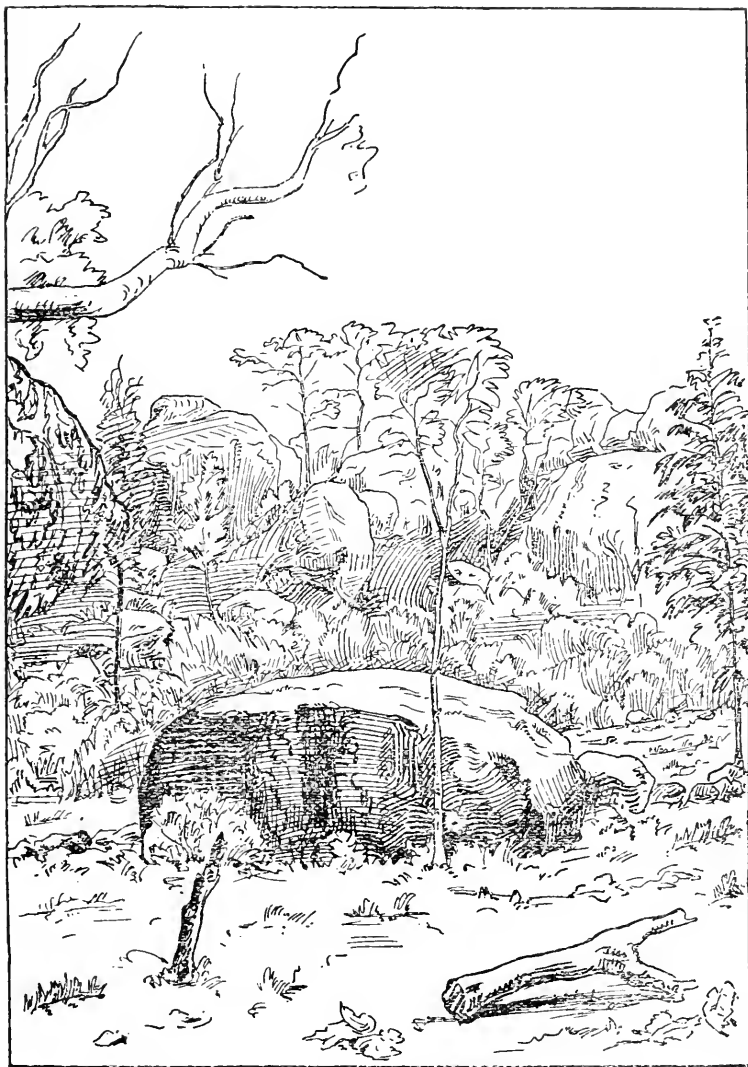
The treasure on board was made up as follows: For the Oriental Bank, £700 in cash and 2067 oz. 18 dwts. gold; for the Bank of New South Wales, 521 oz. 13 dwts. 6 grs. of gold; for the Commercial Bank, £3000 in cash and 129 oz. 18 dwts. gold; altogether 2719 oz. 9 dwts. 6 grs. gold and £3700 cash. In addition to this treasure there was a very heavy mail, containing many registered letters. This was a small escort, large though the amount of treasure may appear. The gold sent down by the previous week's escort from the Lachlan gold-fields amounted in value to £34,000. And the fact that the attack was made when a comparatively small amount was "on board" seemed to indicate that the robbers had nothing like an organised or well-designed plan, but rather acted

without preparation. The police authorities found in this something upon which to build hopes of being able to run them down speedily, judging that those who had not carefully organised an attack would not be likely to lay any elaborate plans for eluding their pursuers.

The escort started from Forbes at about noon, with Sergeant Condell on the box beside the driver and the three constables in the coach. During the five hours consumed between Forbes and Toogong—27 or 28 miles—nothing occurred to warn the party of impending danger. But near Mr. Clements' station two or three bullock teams were drawn up in the roadway; as this was not altogether a strange sight, very little thought was given to it until the coach came quite close to the spot. It was then seen that there was only a small passage left between the obstructing teams and a huge mass of broken, perpendicular rocks which jutted overhead at this particular pass. Even now the escort never suspected a design to attack the coach, although the driver had to bring his horses to a walk to steer in safety between the drays and the rocks. While the horses were thus quietly walking and the constables no doubt enjoying a more comfortable chat, the jolting of the coach not interfering with smooth thought or conversation, suddenly there was an alarm, and all became confusion.

Six men, with blackened faces, each wearing a red serge shirt and red "comforter" on his head in the shape of a night-cap, showed themselves from behind a breastwork of rock. "Fire!" cried one, and a volley crashed into the coach and its occupants. The sergeant was wounded in the side by one bullet, another





EUGOWRA ROCKS.



bullet was supposed to have gone through the driver's hat, and a third penetrated Constable Moran's groin.

Confusion and consternation reigned at once. The attack had been so unexpected and so forcible that the escort was completely unnerved, and could not handle their own firearms promptly. No sooner had the six men emptied their revolvers, then they fell back with military precision, and were replaced by other six, who fired and fell back in the same way. After the first fire there was no one on the box seat of the coach, for Fagan had jumped down and was holding the reins as the horses walked slowly on, while Condell also was on terra firma. He subsequently declared that the bullet knocked him off his seat.

The second volley roused the constables to action. Those inside the coach had a very narrow escape, their clothes being pierced in several places, though they themselves sustained only trifling flesh wounds. Moran and Haviland now discharged their carbines at the bushrangers, but their aim was not of the truest, and no damage was done; the firing frightened the horses, they bolted, and in an instant the coach had capsized, and driver and police had disappeared in the bush. At once the bushrangers ran forward with a cheer.

To seize the boxes containing the gold and to cut open the most promising-looking of the mail bags was the work of a few moments; and while the late escort was making its way towards Clements' station, the bushrangers were preparing to decamp with their treasure loaded on the two leading coach horses.

Mr. Clements was in his paddock when the attack was made, and on hearing the firing he immediately galloped over. Meeting Fagan he learned what

had taken place, and while the coach-driver sought shelter at the house, Clements went forward, expecting to come across the dead bodies of the constables, who had, so Fagan said, all been killed. He shortly afterwards met Sergeant Condell limping towards the place, and he said he thought the others had been killed; but just then they saw Moran and Haviland at the top of the paddock. Mr. Clements at once rode forward and brought them down; and, the party having been housed, he started immediately for Forbes to carry intelligence of the affair to Sir Frederick Pottinger, the head of police at the diggings, riding at the rate of about ten miles an hour through the dark and on a very bad road.

Meanwhile the bushrangers had made good use of their opportunities, and were pushing their way with all speed over rough country towards the spot they had selected for a camp—about three miles distant and on the opposite side of a lofty ridge.

The bullock-drivers, whose teams had been used by the bushrangers to block the road, had been kept there in waiting for two hours before the coach reached the spot, and after having been treated to some grog had been compelled to lie on their faces some distance off and preserve absolute silence. They were graciously told that they could resume their journey after the police had been put to flight and the gold secured.

As soon as the news reached Forbes, Sir F. Pottinger gathered all his available force and prepared to search for the bushrangers. At 2 o'clock on Monday morning he reached Mr. Clements' station, with eleven troopers, two black trackers, and several civilian volun-

teers. The blacks picked up the tracks without delay, and shortly after daylight reached the spot where the bushrangers had camped. The embers of their fire were still burning, and the fag-ends of their red shirts and comforters were found therein, the articles having been destroyed to prevent their being used in evidence against the wearers. The men themselves, of course, were gone long before, and the tracks made by their horses indicated that they were making for the Weddin Mountains.

The mailbags were found empty, but, strange to say, many of the registered letters remained untouched.

The broken boxes, bags, letters and newspapers scattered about were gathered up and brought back to Clements' station; two of the horses and the coach were recovered, the broken escort and the empty shells were again sent on their journey, arriving in Orange about 7 o'clock on Monday evening. News of the attack had reached Orange some hours before—and the excitement was intensified by a tragedy that occurred immediately after the escort's arrival, the victim being one of the constables.

Having delivered the mailbags to the Orange Postmaster, by command of his superior officer, Constable Haviland re-entered the coach with the others and proceeded in the direction of Dalton's inn, where the escort usually put up. Sergeant Condell was seated on the box, and Moran and Haviland, with a male and female passenger who had come down from Clements', occupied places in the coach. About half way between the Post Office and Dalton's the report of a revolver was heard, and his fellow travellers saw that Haviland had been shot.

"My God!" said the woman passenger, "the man is shot!" and stretching her hand across felt the blood pouring out from the unfortunate man's chest. Her companion caught him by the coat and held him up till the coach stopped at the hotel door, when he was lifted out dead. It seems that he had put a loaded and capped revolver under the seat he was sitting on, and was picking it up in readiness to leave the coach at Dalton's when, by some mischance, it went off and shot him through the throat and spine.

Some have thought that he took his life voluntarily, through disappointment and the fear of being laughed at by his companions, for having no wound to show from the attack; but those who knew him were vigorous in their efforts to repel the insinuation of suicide, and there can be very little doubt that the sad event was a pure accident.

Within a few days every newspaper in the colony had published an account of the daring exploit of Gardiner and his gang; for the public took it for granted that Gardiner was the leader, while the authorities made no secret of the fact that they were in possession of proof indisputable that the ex-butcher of Lambing Flat was the man who gave the order to the other bushrangers to fire. Sergeant Condell, in his official report, dated June 23rd, said "The bushrangers were commanded by one man, who gave them orders to fire and load. I believe it to have been the voice of Gardiner, as I know his voice well. I cannot identify any of them with the exception of the voice I heard." Who the companions of Gardiner were was a mystery, even to the police, nor were they at all sure how many

had attacked the coach—one report giving thirteen, another twelve, another ten, and others down to four.

Captain Brown and Mr. Gold-Commissioner Grenfell were to have left Forbes with the escort, but owing to special instructions from Inspector-General



GOLD-COMMISSIONER GRENFELL.

McLerie, they started in advance and were some miles further on the road towards Orange when the attack was made. They, therefore, escaped the danger, although had they been with the escort as outriders they might have immortalised themselves and saved two men from injury and one man from death, besides pre-

serving the treasure that was stolen, by attacking the bushrangers from their vantage point on horseback. As it was they had passed through Orange on their way to Bathurst before the news of the robbery had reached that town.

Some of the newspapers were very severe in their strictures upon the authorities for despatching an escort without a mounted guard, at a time when the roads were infested with daring bushrangers. The Lachlan paper, speaking of the escort, said:—"The people of Forbes feel that these unfortunate men have been handed over to the Philistines, as it were, bound hand and foot, and are persuaded that if the suggestions which have from time to time been put forth from this locality had been adopted, the sacrifice, pecuniary or otherwise, which we are now called upon to make, might have been prevented. The mode in which the escort business is conducted is neither more nor less than a premium upon crime. The coach with its four guards, cooped up in a box, containing the precious treasures of the Lachlan, is, to all intents and purposes, a locomotive advertisement to the vile and the criminal, to avail themselves of a splendid harvest; and that the invitation has been responded to is no matter of astonishment to anyone at all conversant with the facts of the case. True to its instincts of plunder and profit, villainy has done its best and its worst, and if it had rested in a state of inaction, with such prospects of success, the circumstance would have been something little else than wonderful. . . . Of what mortal use, pray, as a fighting body, are four men stuck in a wooden frame, in two rows, with their firelocks in their hands, as if placed there for the ex-



press purpose of shooting only in one direction, or of being shot down? . . . Under such circumstances bravery is of little avail, the assailants taking good care that the advantages shall be on their side, both as regards number, position, and the first volley. The mechanism of the escort requires alteration, and until it is remodelled and strengthened, we consider neither the persons nor the property in charge of the escort safe, after the excitement caused by the present onslaught has subsided." This was but an echo of the strong denunciations which sounded through the colony, and there were many sympathisers with the remark of poor Haviland's, that he would not again do duty as escort constable unless a mounted guard accompanied the coach.

That the authorities heard and heeded these denunciations, may be gathered from the following inspired paragraph which appeared in the "Sydney Morning Herald" within a week after the robbery:—

A very large quantity of gold is accumulating in the banks at the Lachlan, in consequence of the insufficiency of the escort guard. The Oriental Bank alone has upwards of 13,000 ounces waiting to be forwarded to Sydney. The Government have lost no time in taking the necessary steps to provide an efficient escort, and they have given instructions to the Inspector-General of Police to provide suitable vehicles, to be built in this colony, for carrying out the object. It is intended to have an advance and rear guard mounted. In addition to this there will be three guards with the coachman, riding in the vehicle. The vehicles will be so constructed that no passengers can be taken. Two of the guards will be seated with their backs to the driver, and the other by his side.

But not even the presence of a mounted guard was sufficient to deter bushrangers from making an attack, when they had become emboldened by the repeated failures of the police to capture them. In fact,

it seemed to be the height of their ambition to "stick-up" the troopers, either singly or in company, strip them of their Government arms, and send them back to "report progress." They would not think of taking the Government horses, for these animals were such as no good bushranger would think of riding. Times without number the criminals owed their escape from arrest to the weak-kneed and bad-winded horses ridden by their pursuers; and in straight chase it was invariably a case of reporting, "Troopers' horses knocked-up; bushrangers escaped."

It was so in this case. Sir Frederick with his force did not tarry long at the vacated camp, but pushed on through the bush, led by the black trackers, who, once fairly on the scent, would undoubtedly have run the quarry to earth if the horses had held out; but there was a break in the chase just at the time when close following was necessary, and some of the party had to return to Forbes to obtain fresh animals, theirs having knocked up. These men reported that the tracks had been followed to within a short distance of Finn's public house, within ten miles of Forbes; but that the trackers could only make out the tracks of six horsemen, and these had now been made difficult to follow by heavy rain which had set in.

Meanwhile the Inspector-General had been moved to greater activity, and inspectors and superintendents in the force stationed in other districts were ordered out in pursuit. Mr. Superintendent Morrissett with six troopers went from Bathurst, Captain Battye and some of his men started from Yass, and all converged to the common centre, which had been made the chief point of interest to every individual in the colony.

As soon as the Government had received particulars of the robbery, they caused the following notice to be published:—

#### MAIL AND ESCORT ROBBERY.

#### £1000 REWARD AND PARDON TO AN ACCOMPLICE.

Whereas it has been represented to the Government that on the afternoon of the 15th instant the Gold Escort from the Lachlan was attacked on the road between Forbes and Orange by a band of armed men, said to be ten in number, and described as dressed in red shirts, red caps, with their faces blackened, who fired on and wounded the police forming the guard, opened the Mail Bags and Letters and carried off a large amount of Gold Dust and Money: Notice is hereby given that a Reward of £100 will be paid by Government for such information as shall lead to the Apprehension and Conviction, within six months from this date of each of the guilty parties; and a Pardon will also be granted to any accomplice in the above outrage who shall first give such information.

CHARLES COWPER.

Colonial Secretary's Office, Sydney, 17th June, 1862.

Shortly after starting, Sir Frederick had divided his party, placing Sergeant Sanderson (now superintendent of the force at Bathurst) at the head of four men and a black tracker, and leading the other division himself. The sergeant was quite up to his work, and from his intimate knowledge of the district and of the men in it who were suspected of being bushrangers or friends of bushrangers, he was able to shape a course that promised to be more effective than that pursued by his superior officer. Proceeding to the river he camped with his men until daylight appeared and then instituted a search for tracks on either side for a distance of about 20 miles along the river's course. Not finding tracks he was satisfied that the escort robbers had not yet crossed the river, and he at once pushed on through the bush toward the Weddin Mountains, a

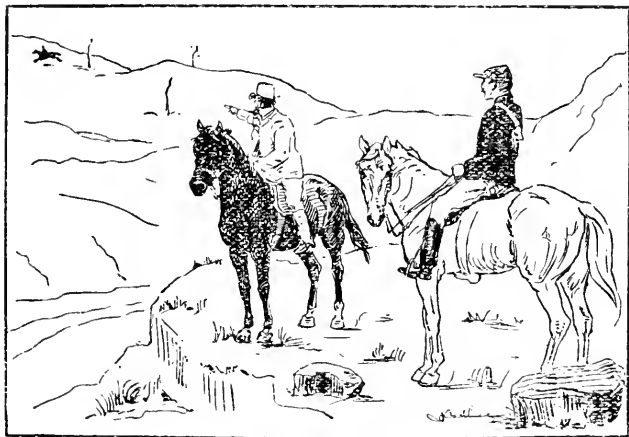
locality which he knew was resorted to by the district banditti as a safe refuge.

Early on Thursday morning the pursuers reached Wheogo, and as they were now in a district where bushrangers were thought more of than the police, they became even more cautious and watchful. As they reached Ben Hall's house, the black tracker saw a horseman coming down a ridge of the mountain, and immediately pointed him out to the sergeant.

But as the tracker saw the horseman, the horseman saw the tracker. The former turned upon his tracks, and in haste sped back by the way he came. This decided the sergeant, who at once gave the order to gallop, and away went the party, the blackfellow leading, to the spot where the horseman had first been seen. The latter had by this time disappeared from sight, but the tracks of his horse remained, and were followed by the police with the utmost eagerness; for his behaviour clearly indicated that he was either a bushranger or a "bush telegraph," or scout; and if the latter, his trail would certainly lead to those on whose service he was engaged. It was a keen chase and a long one, and, to the joy of the pursuers, proved partially successful. They did not catch the robbers, certainly, but at least compelled them to abandon a large portion of the stolen gold.

For miles the police pressed forward, feeling the inefficiency of their steeds, which had already done good work, for this new task, and dreading that they would "knock-up" before the bushrangers had been warned. Right up the high mountain they pressed for about four miles, at one time nearly losing the track on the edge of a deep creek. They had traced

the horse to the very edge; here the tracks suddenly disappeared, and the pursuers came to a stand, thinking that the man must have jumped into the creek. Close search on the other side, however, showed that the horse must have cleared the creek at a bound, for there his tracks were again taken up; the chase was resumed with redoubled vigour, and followed until the tracks led the party to a camp, which had evidently just been abandoned in a great hurry. The fire was still



A "BUSH TELEGRAPH."

smouldering; there was some tea in a "billy" ready made and nicely warm, and bread and beef just set out for the meal, not to mention empty gin and wine bottles; while various articles of bedding—not spring mattresses and feather pillows, but blankets and a rug—were scattered about just as the sleepers had thrown them off before preparing the meal which had been so rudely disturbed. Here also was found an envelope bearing the Burrowa postmark, and a pair of gold

scales. This showed the sergeant clearly that he was on the right track, and that at this spot the stolen gold had been divided. Near the camp were marks showing where horses had been tied up to trees.

It was not difficult for Charlie, the tracker, to pick up the trail and lead his party in further pursuit, for the police did not waste time in partaking of the meal so kindly left in readiness. Five horses had started from the camp on the opposite side, and were found to be making for some dense pine scrub on the west of the Weddin Mountains. The trail was an easy one to follow, being so freshly made and consisting of the impress of twenty hoofs; and Charlie had no need to steady his pace in order that he might not override it. It was a case of full speed now, and the well-ridden troop horses were called upon to do heavier duty than usually fell to their lot; for the country was very rough and not pleasant even for easy pacing.

This broad trail was followed for a long time, till the party entered a dense pine scrub, and the black-fellow called out "Me see him." The pursuers charged after, but the fellows ahead were too quick, and making a short turn through the pines were lost to sight. In following on, however, the police saw a riderless horse, and, thinking this might be some ruse, separated, took what cover they could find, and captured the horse. It turned out to be the bushrangers' pack horse, laden with a costly treasure, some 1200 or 1500 ounces of gold. The gold was in four bags lashed to a trooper's saddle; there were also two carbines strapped to the saddle. From this point the tracks of only four horses were found, and these were followed all round the Weddin till it got dark; then

the party made the best of their way to Forbes, where they arrived on the following Saturday, and gave up the recovered treasure to the authorities. Had their horses not been so thoroughly knocked up the trail might have been kept longer; but they did well to secure the gold, as it was evident there were four bush-rangers, all mounted on first-class horses; indeed, the horse that was first seen was a splendid animal, and the creek it leaped was some twelve or fifteen feet wide.

This Weddin range was a most secure place for hiding, and had been so used some 23 or 24 years before, when Scotchey and Witton were out. It was said that there was a cave somewhere there which these men made use of; and as the situation commanded the main roads to the diggings both at Burrangong and the Lachlan, it was suggested that a police station should be formed there.

Pottinger and his men continued the search in an opposite direction for some 200 miles, not having heard of Sanderson's success. The tracks of five riders and two pack horses led towards the Riverina district; and from a point there Pottinger reported that he was still in pursuit, believing that the robbers had made for Victoria, and had escaped across the border on fresh horses; but as he had a black tracker with him he felt sure that he would soon catch them. About 70 miles from Narrandera, Messrs. Clements, Cropper, and other residents of the Lachlan district, who had volunteered for duty in assisting to track the robbers, abandoned the chase, leaving Pottinger and two others only to continue it.

That they were on the proper scent was proved to the authorities in Sydney by a piece of news which

was circulated through the medium of one of the papers on the goldfields, in the following paragraph:—

From a gentleman who arrived in Forbes, with Cobb and Co.'s line of coaches overland from Victoria, we learn that they met five or six mounted men, armed, and one of them leading a pack horse, so heavily loaded as to attract the attention of himself and one or two others who were riding in front of the leading coach. There was something so unusual in the style of the outfit and general appearance of the party, that one of the Victorians who had formerly been connected with the detective force in that colony remarked to his comrades that, if in his former position, he should have at once proceeded to overhaul the travellers on suspicion of something wrong; and it happened, moreover, that the front party, armed to the teeth with rifles and revolvers, could well afford to take such a step. As the mounted men neared the coaches, one of them, apparently the leader, rode up to the foremost coach, and, in an evidently disguised tone of voice, addressed a few words to one of the party. He said as little as possible, however, and as speedily as convenient, and with an evident desire of shrinking from too close observation, glided onwards, and with a species of deliberateness, which was especially remarked, looked into all the coaches, eight in number, as he passed by, as if for the purpose of overhauling the passengers. From the description given of the traveller-chieftain by one of our informants, who was well qualified from habit to note personal peculiarities, and whose eyes had evidently taken in the whole man, we have no doubt that he had seen and spoken to Gardiner. His height, build, complexion, demeanour, the scar on his left eye, and other particulars were scanned, the only discrepancy being in the beard, which had been shaven under the chin. On the following day our travellers met Sir Frederick Pottinger and his troopers, from whom they gleaned the first intelligence of the escort robbery, and to whom they communicated the facts now stated. Upon their information, the inspector and his police pressed on, and with a little good luck and good management combined, will probably be enabled to give a good account of the fugitives on their return.

Just about this time also the authorities awoke to the necessity of preserving secrecy concerning the movements of gold escorts, and solemnly commanded the sergeants in charge not to communicate to any person the amount of treasure that they were about to convey from the diggings.



On July 7th, after being three weeks on the hunt, Sir Frederick Pottinger's hopes were raised to the highest pitch by an adventure on the road near Narrandera with a party of travellers. The two gentlemen remaining with him were Mr. Mitchell, who had served as C.P.S. at Forbes, and Detective Lyons. After the other volunteers had departed these three still followed up the tracks, making inquiries on their route at several stations until they reached Hay. Here they came to the conclusion that it was useless to follow that course any further, and resolved to retrace their steps, although they were still tolerably certain that a section of the robbers had crossed the border into Victoria with part of the booty. On Monday, 30th June, therefore, they turned back, and on the following Monday had just left the Merool Station, where they had called for refreshment, when, about half-past one o'clock, and just as they had lost sight of the place, they met three well-dressed young fellows, booted and spurred, with close-fitting breeches, turn-down collars, and cabbage-tree hats, all well mounted and leading three horses.

Mr. Mitchell, who first addressed them, asked how far they had come, and was answered that they had left Lambing Flat three days before. As they appeared anxious to push on, Mr. Mitchell returned with them until they met Sir Frederick, who was about 200 yards behind. "By-the-bye," said Sir Frederick, "that's a good horse you are riding; can you show a receipt for him?" "Oh, yes," said the man addressed, "here's a receipt." At the same time he let go the horse he was leading and put his hand into his waistcoat pocket, as though searching for the receipt; but

all the while he kept edging his horse round to get on the other side of his interlocutor, and followed up the pack-horse, which was heading off the road. Suddenly he seized the halter of the pack horse, put spurs to his own horse, and galloped off into the bush at top speed. Sir Frederick, who had observed the whole movement with suspicion, signalled to Mr. Mitchell, and they simultaneously drew their revolvers and called upon the two men remaining to stand, declaring that if they moved an inch they would send a bullet into them.

The two stood still, and Detective Lyons rode up and at once secured them with handcuffs. On one of the prisoners, who gave his name as Charles Darcey, or Dacey, the sum of £2 15s was found; on the other, who called himself Henry Turner, £153, in which there were 110 notes of the Commercial Bank. Upon the horse which Turner was leading a small sack was found, which contained no less than 213 ounces of gold.

The police had made a "haul," even if the men could not be proved escort robbers; and in much jubilation Sir Frederick took the prisoners back to the station which he had just left and sent word of what had happened to Deniliquin, Wagga Wagga, and Sydney.

On the following morning a start was made with the prisoners towards Forbes, some 150 miles distant. They were very communicative, and did not appear to be much put about by their arrest. Turner said that the man who had bolted carried the firearms, two loaded revolvers, and that they had made him cashier. The march was continued all that day and the next

(Wednesday) until about one o'clock, when the party reached Mr. Sprowle's station, on the Levels. Detective Lyons was in advance, conducting the prisoners, both manacled, and with their horses (now even



SIR FREDERICK POTTINGER.

worse than those ridden by their captors) tackled together. Sir Frederick and Mr. Mitchell followed, about ten or a dozen yards in the rear. Suddenly three men on foot, with red skull caps and faces blackened, and armed with double-barrelled guns, emerged

from the bush in front of Lyons, and shouting "Bail up, you ——," immediately fired upon him. The shot took effect in the horse's neck; the animal reared and threw Lyons, who was trying to get at his revolver. It then bolted into the bush, Lyons following it, minus his revolver, and under the fire of the rescuers. Simultaneously with this attack four other ruffians wheeled out of ambuscade, with military precision, in front of Pottinger and Mitchell, and fired at them, the leader shouting "I know you, you —— Pottinger; I'll put a pill through you, you ——." Both Pottinger and Mitchell fired in return two or three shots, but the odds against them were too large, for the bushrangers, in addition to being superior in number, had spare arms at their disposal, although they had no horses. The fact that no one was injured is, however, pretty good proof that they were not expert marksmen. Sir Frederick and Mitchell, after each discharge of their revolvers, would wheel and gallop a little distance, receiving fire as they retreated, and then return to fire again. Thus matters went on, when Pottinger and his companion, finding that their ammunition was getting short, began to look out for a clear track away. As the firing from the bushrangers also began to lessen Mitchell proposed to rush upon them; but Sir Frederick demurred, alleging that such a course would perhaps result in the loss of the gold, which he had secured upon his horse. Accordingly they turned and galloped away, leaving the bushrangers masters of the field, and their late prisoners free.

With all haste they returned to the station at which they had camped the previous night, known as "Little George's," some twelve or thirteen miles dis-

tant, which they reached in about 40 minutes. Evidently they could ride well if they could not shoot straight—although Mitchell lost his hat and revolver on the road. Here they remained until evening, recruiting and devising plans for the future. Nothing had been heard or seen of Lyons since his run after his horse; so, fearing that he had fallen into the hands of the bushrangers, they returned by moonlight to Sprowle's, taking a different road, and approaching the house from the opposite side. Here they learned that Lyons was safe and sound in wind and limb, and that he had gone out with Mr. Sprowle to search for them, expecting to find their dead bodies in the bush. They waited, therefore, for the absentees, and on their return engaged in mutual congratulations.

They now ascertained that the rescuers had waited near the road for them to come up with their prisoners, after having tied their horses to the garden fence, and cautioned two females, the only occupants of the house at the time, not to venture out lest they might be shot. They had also bailed up two travellers and forced them to lie on their faces until the police arrived. These men declared that each of the bushrangers carried two double-barrelled guns and two revolvers. The horses had broken away when firing commenced, and to this fact, no doubt, Sir Frederick and Mitchell owed their escape; for the bushrangers, knowing that they had the gold, would certainly have followed them and the treasure if horses had been available. Sir Frederick afterwards declared that he had wounded one of the men and that he heard one calling out for horses, saying they would "never be able to take the police without them."

Mr. Sprowle had heard the band swear that Sir Frederick should never take the gold to Forbes; and a carrier who was "stuck up" on the road subsequently, for provisions, by five men, positively declared that one of them was Gardiner, and that it was he who had endeavoured to "put a pill" through the superintendent.

Sir Frederick and his party, of course, realised the necessity of getting away as speedily as possible, for at any moment the bushrangers might return and rescue the gold as easily as they had rescued Darcey and Turner. Accordingly, in the dead of a dark, cold, and rainy night, they quietly sallied forth, and proceeded with Mr. Sprowle as their guide to Beckham's station at Narraburra, reaching it at 3 o'clock next morning.

Here the gold was planted safely, and the party prepared to defend the place against the attack, of which they were in constant dread. As soon as he arrived Sir Frederick despatched a special messenger to Captain Battye, at Lambing Flat, for an escort. The captain could only muster five troopers at the Flat, and immediately telegraphed to head quarters; and having, late at night, succeeded in getting nine men together, despatched them to the station one after another, in order to evade observation on the journey, himself bringing up the rear. A short distance from the township he overtook the troopers, organised them, made all haste to Beckham's, where they arrived on Friday—to the great relief of Sir Frederick and his companion, who had been in hourly dread of losing the gold.

And now the gold was safe. Two troopers were

sent on 20 or 30 yards in advance, two sent back to the rear, a native tracker was stationed with two troopers on each flank, from 40 to 50 yards distant. Captain Battye, Sir Frederick, Mr. Mitchell and Detective Lyons rode in the centre, and thus the party proceeded without molestation to Forbes by easy stages, reaching that township on Monday morning.

Meanwhile the bushrangers had entirely disappeared, and jocular people spread the report that they had retired to "recruit and devise plans" for attacking every police station in the colony in turn. It was somewhat mortifying to Lyons to know that the notes (£115), which had been found upon Turner, had disappeared with his horse when he fell off, and that the bushrangers had regained possession of them.

A few days afterwards a man named Darcey was arrested by Trooper Flanagan at Murrumburrah, and the week following a man named Turner was arrested at Yass. Who they really were and what became of them will be seen as the story proceeds.

Meanwhile Sergeant Sanderson had been busy in a locality nearer home, and had arrested three men, named Patrick O'Meally, John O'Meally and — Trotter, at Forbes, on suspicion of being concerned in the robbery; and they were held under remand with the gold, as already described, taken from the men that he had encountered.

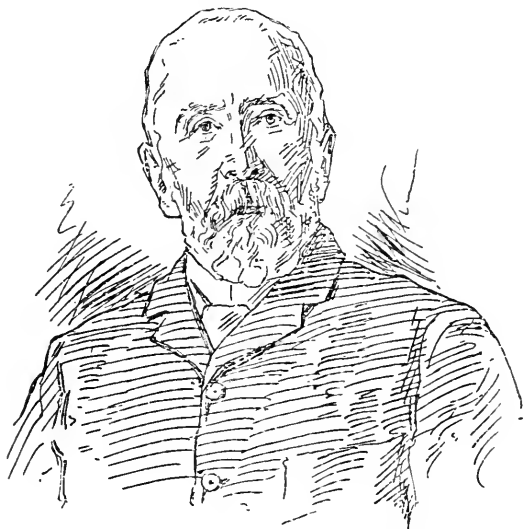
Shortly after this a startling wire reached the colony from Melbourne to the effect that Gardiner had been arrested with two other bushrangers at Grant's station, in Victoria, and that one of the bushrangers had been shot; but the falsity of this rumour was made manifest by the report of a somewhat sen-

sational encounter between Gardiner and Sir Frederick Pottinger and Senior-Sergeant Sanderson, near Wheogo. The particulars of this encounter may be given in Sir Frederick's own words, and here is his story:—

On Sunday morning at half-past 3, said he, I apprehended a youth named Walsh at the residence of his brother, at Wheogo; being aware that Frank Gardiner, the bushranger, was enamoured of Mrs. Brown, and believing that he would take advantage of her husband's absence to tender his addresses, I proceeded on Saturday with eight men to the premises; I arrived at 12 p.m., and leaving four of the men in charge I went with Senior-Sergeant Sanderson and Trooper Holster to watch the place; I subsequently sent Sub-Inspector Norton and Trooper Holster to guard the front while Senior-Sergeant Sanderson and I hid ourselves in the bush; we discovered the house dark and silent as though everybody was asleep; after about half an hour we saw a light struck and in a few minutes a woman made her appearance and commenced to collect wood for the purpose of making a fire, but neither Sergeant Sanderson nor I could identify the woman, as we were concealed at a distance of 150 yards from where she was standing, in a thick pine-tree scrub; it might be 20 or 25 minutes after my seeing the woman that I observed a man mounted on a white horse approaching Brown's house at a quiet pace, upon which I called upon Sanderson to fall back, and we did so to our original position; suddenly the noise of horse's hoofs sounded nearer and nearer, when I saw Gardiner cantering leisurely along; I waited until he came within five yards of me, and levelling my carbine at him across his horse's shoulder (the weapon, I swear, being about three yards from his body) I called upon him to stand; I cannot be mistaken, and on my oath I declare that the man was Frank Gardiner; deeming it not advisable to lose a chance I prepared to shoot him, but the cap of my piece missed fire; Gardiner's horse then began to rear and plunge, and before I had time to adjust my gun, he had bolted into the bush; as Gardiner was riding away on the back of the frightened animal, Sergeant Sanderson fired at him, as also did Holster; I called out to those who could hear me to "shoot the wretch." Gardiner, however, made his escape; we then proceeded to Mrs. Brown's house, and having seen her she frankly admitted that Gardiner had been at her place; I saw a bed made upon the sofa, and a four-post bedstead with a bed upon it in which two persons had been reposing; the boy Walsh was in it asleep and he declared that he had heard no noise and



did not know what had happened; he had lodgings at his mother's and was not obliged to sleep where he was found; I immediately arrested him; on the table in the kitchen I saw the debris of a supper, a bottle of gin, a flask of powder and a box of revolver caps; some few days ago I received information that Gardiner had been seen, accompanied by a lad answering the appearance of Walsh, near to Mrs. Walsh's residence, and that while a man named Humphreys was stuck-up on the road a youth like Walsh held Gardiner's horse while he perpetrated the robbery; when I came across the bushranger's camp a short time since I picked up a small



SENIOR-SERGEANT SANDERSON.

monkey jacket, only large enough for a boy to wear; Walsh says he is 17 years of age, but I don't think he is more than 15; I may add that the gun missing fire was purely an accident, as Sergeant Condell, when he loaded it, took every precaution to prevent the misadventure.

But another version of the story, differing in some important particulars from that given by Sir Frederick, gained currency at the time. It was to the effect that Gardiner was actually in bed in Mrs. Brown's house

when the troopers surrounded the place; and one of the district papers closed the account of the affair given in its columns by expressing astonishment that ten men, all fully armed, should let one man escape, when that man was in the house, and asking "Was there not gross mismanagement somewhere?" It may be remarked that the men who were with Sir Frederick never had their bravery questioned; but they were under orders, and could not move a finger to intercept the King of the Road until the order was given. When that order was given their chance was gone. The leader had taken all the chances, and had missed his throw. Those whose duty it was to stand idle while he acted cannot be blamed for failure if the word to "shoot the wretch" came to them after the "wretch" had flown.

It was reserved for Senior-Sergeant Sanderson to score the second success, as he had scored the first. He knew the field over which he was working and the men who lived on that field; and quietly, but effectively, he carried on his work. Proceeding to Wheogo he arrested, on suspicion of cattle stealing, several well-known characters, amongst them being John McGuire (quartz miner), Benjamin Hall (labourer), John Brown (labourer), Daniel Charters (labourer), and William Hall (miner), the whole of the men, with the exception of the last-named, being residents of Wheogo. Upon one of the men some notes were found which were claimed by William Hall, but as they appeared to correspond with a portion of the money stolen from the escort, the men, when brought up at Forbes, were charged with being concerned in the escort robbery. After evidence of the arrest had

been given, Sir F. Pottinger, who had charge of the case, applied for a remand for seven days, in order to enable him to produce an important witness to identify the notes.

Mr. Redman, who appeared in the defence, applied to Sir F. Pottinger for a copy of the warrant under which the prisoner Hall was proceeded against, as he intended to make an application to the judges of the Supreme Court in Sydney for an opinion regarding the legality of the proceedings taken by the police in this instance.

Sir F. Pottinger objected to the prisoners being allowed bail, as it would interfere with any future steps he might think it requisite to take. He said it was through the circumstance of Gardiner being allowed bail, when at Lambing Flat, that he had escaped the law so long. Had he been detained two days longer it would have been proved that he was a prisoner of the Crown at large. As it was, he had since committed deeds which have made him notorious. He protested against bail being taken for the appearance of any of the prisoners, excepting the prisoner Daniel Charters, of whom he had nothing to say. He promised that the copy of the warrant applied for by Mr. Redman should be forthcoming within the twenty-four hours.

The prisoner, Daniel Charters, was then admitted to bail in two sureties of £250 each, and his own recognisance of £500, to appear when called upon, and the other prisoners were remanded.

And now occurred a fresh and altogether unexpected development. Charters sent for Sergeant Sanderson, and made a confession to him, which,

while it exonerated some of the men who had been arrested with him, incriminated himself and a number of others upon whom suspicion had not fallen. These were Alexander Fordyce, John Bow, John McGuire, and John O'Meally; and Sanderson lost no time in securing the three first named, and lodging them in the lock-up at Forbes. As it happened, another of the men named by Charters was at the time in custody—the man who had been rescued from Pottinger near Narrandera, who had given his name as Turner, but whose proper name was Manns, and who had been re-arrested shortly after his escape. Charters also named eight men, including Gardiner, all well-known to the police, who could not be secured just then.

Fordyce, Bow, McGuire, and O'Meally were charged at the Forbes Police Office, and remanded to Bathurst for a further and fuller hearing. That hearing took place before Dr. Palmer, P.M., and Messrs. Hawkins and Clements, J.'sP., but as the case was heard with closed doors the evidence was not published. The result was a further remand, and the release of one of the prisoners, O'Meally, on bail, thus indicating that more had been proved against the others than against him. During the week McGuire, Fordyce, and Bow were again brought up and fully committed to take their trial at the next Bathurst Circuit Court, or at such other court as her Majesty's Attorney-General might direct. This occurred in October, 1862, the prisoners having been already three months in custody.

Now at this time three men were awaiting their trial in Bathurst Gaol for the attempted murder of a

storekeeper named Stephens, at Caloola, about 18 miles from Bathurst, they having "stuck-up" the store and shot the owner in a most brutal and cowardly manner. There were also half-a-dozen other highwaymen under committal for bushranging, and fresh robberies under arms in the district were being reported almost every day. It was natural, therefore, that Bathurst people should feel a concern bordering upon alarm, and manifest anxiety to have the daring criminals already in custody promptly dealt with. It was, therefore, agreed by a number of influential gentlemen of the town that a petition should be got up and forwarded to the Government, praying that the prisoners who had been committed at Bathurst for the base outrage upon Mr. Stephens, of Caloola, might be tried by special commission with as little delay as possible. This course, it was believed, would carry a warning voice to the villains who were infesting the western country. A petition was accordingly forwarded, and the Government at once fixed 2nd February proximo for the trial of the prisoners, but ordained that the commission should sit at Sydney instead of Bathurst. The Government acted in this matter so as to carry out the suggestion for the benefit of the country at large. Mail robberies and other depredations under fire-arms were being committed in other parts of the country; and it was therefore determined that the principal cases of this character should be disposed of at one and the same special sitting.

The Bathurst people, of course, viewed this change of venue with great disfavour, and loudly protested against the trials being heard in Sydney, chiefly

on the grounds that the prisoners would have greater chances of acquittal before a Metropolitan jury, who knew nothing of bushranging save by name, and that the expense to the witnesses who must perforce leave their homes and dance attendance upon the Metropolitan Court, perhaps for a fortnight, would be more than many of them could well bear.

The protest, however, was ineffective, and in due course the prisoners were removed by coach from Bathurst gaol to Sydney. They crossed the mountains under a strong escort, several armed foot police being inside the coach with them, while a strong guard of mounted troopers, under the command of Sub-Inspector Sanderson (who had been deservedly promoted) and Sub-Inspector Orridge, accompanied the party. Fordyce, Bow, Manns, alias Turner, and McGuire were charged with the escort robbery; Alexander Ross, Charles Ross, and William O'Connor with the Caloola outrage; and three other men, Healy, MacKay, and Williams, with acts of highway robbery.

The arrival of bushrangers in the capital of the colony caused a great stir, and, to judge from the conduct of not a few, the criminals were regarded as veritable heroes. That this sort of hero-worship obtained largely in Sydney as well as in the bush was very clearly manifested during many subsequent trials.

About this time the following notice appeared in the "Police Gazette":—

PARTICULARS AND DESCRIPTION RESPECTING  
THE OFFENDERS CONCERNED IN THE ES-  
CORT ROBBERY COMMITTED ON 15th JUNE  
LAST.

1. Frank Gardiner, supposed to have since "cleared out" with Mrs. Brown, in boy's clothes, via Goulburn, for Portland Bay, where he has two sisters married; he has (it is re-

ported) since hearing of the apprehension of Bow and Fordyce, returned to the Bland district.

2. Johnny Gilbert, one of the three encountered by Sir F. Pottinger, at Meroo, and who escaped, was some days after the subsequent rescue of his two mates, seen to pass down the Meroo Creek, and is now supposed to be with his two aforesaid mates, at or near Kilmore, Victoria, where he has friends. He is a young man, between 22 and 24 years of age, of boyish appearance, five feet seven or eight inches high, between nine and ten stone weight, slight, light brown straight hair, worn long in native fashion,\* beardless and whiskerless; has the appearance of a fast young squatter or stockman, and is particularly flash in his address and appearance.

3. Charlie, surname unknown, but believed to be a younger brother of John Gilbert. He was one of the two prisoners rescued by seven men from Sir F. Pottinger at Spreol's station; he gave at that time the name of Turner. He is a slight wiry youth, 19 to 22 years of age, about five feet six inches high, nine stone weight, light brown long hair worn native fashion, light eyes, was clean shaved but had indications of a strong beard, he likewise appeared to have been shaved around the nape of the neck, his neck is very long, and shoulders narrow and sloping; there was an unusual length in his figure from the crown of his head to the point of his shoulders; he is very active and a good rider, and very flash—half jockey and half stockman.

4. Bill, surname unknown, believed to be a horsebreaker from about Burrowa, was rescued from Sir F. Pottinger with Charlie Turner. He is a particularly fine square-built young man, between 23 and 25 years of age, five feet eleven inches or so high, about 11 stone 7 pounds or 12 stone in weight, fresh brown complexion, high cheek bones, brown eyes, dark brown hair, long and wavy, and worn in the native fashion, large mouth with a fine set of teeth, wore a small downy moustache and a tuft on the tip of his chin; apparently a native, but said he was a Yankee, and had come over some years ago in a revenue cutter; had evidently been in New York and was also well acquainted with the Victorian diggings; altogether a particularly well-informed, well-spoken young man, but flash; he rode well, and was riding a half-broken three-year-old, and had all the appearance of a horsebreaker, or fast young native stockman; he is at present supposed to be with Johnny Gilbert and Charlie Turner alias Gilbert, at or about Kilmore. At the time of his capture by

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\* The young bushmen of those days invariably wore their hair long, brushed well behind the ears, well oiled and carefully turned under low down on the neck.

Sir F. Pottinger he gave the name of Darcey; he had an eruption of boils over his hands and arms.

5. Harry, surname unknown, a dark sallow man, 25 years, 5 feet 9 or 10 inches high, spare built, dark hair and eyes, lately clean shaved, large nose, knocked aside as if broken; supposed to be a bullock-driver from the vicinity of Burrowa.

On Tuesday, February 3rd, 1863, the Special Sessions was opened, Mr. Justice Wise occupying the Bench, and the Attorney-General with Mr. W. Butler conducting the prosecution for the Crown.

Manns, Fordyce, Bow, and McGuire were placed in the dock, Mr. (afterwards Sir) James Martin and Mr. Isaacs appearing for the defence.

After some delays, the procession of witnesses began. Sir F. Pottinger and Inspector Sanderson gave evidence relating to their adventures in search of the gang, while Condell, Moran, and Fagan described the sticking-up at Eugowra.

Evidence was called to prove the ownership of the gold, also that the rifles and cloak found at the deserted camp belonged to the Queen; and then came the evidence for which all were anxiously waiting—that of the approver Daniel Charters.

Having entered the witness-box and been sworn to speak "the truth, the whole truth, and nothing but the truth," Charters proceeded to tell his story, as follows:—I lived at Humbug Creek, on the other side of the Lachlan. On the 12th June last, when I was driving some horses near Mrs. Pheely's station, called the "Pinnacle," I met Frank Gardiner, John Gilbert, and the two prisoners, Bow and Fordyce. Gardiner is a bushranger in that part of the country. Gardiner rode up to me about fifteen yards in advance of the others, and said he wanted me to go with him for a



few days; I said I could not, for if seen with him I should be thought as bad as him. He said I must go, as he wanted me to show him the road to some place that he did not name. Gardiner had a double-barrelled gun slung to his horse, and two revolvers on his person; Gilbert and Fordyce were armed also. When I declined going with him, Gardiner put his hand on his revolver, and said, "I've come for you, and you must go." I then went with him towards John Reeve's place. On Friday morning we camped a mile and a half from Forbes, and Gilbert went into the town; I heard Gardiner tell him to fetch six double-barrel guns, some rations, an American tomahawk, some blacking, some comforters and some caps, and also a flask of powder. Gilbert returned about one or two in the morning with three other men. On the Saturday morning Gardiner said, "Go on to the Eugowra Mountain," and we camped on Saturday night between Eugowra and Campbell's. On the Sunday, Gardiner rose early and ordered the arms to be loaded; I asked him what he was going to do, and he said "You'll see; if I'm lucky I'll stick up the escort." So we crossed the creek, and went on to the Eugowra Mountain, tying up our horses there by direction of Gardiner. We each had a gun; we went to the large rocks overlooking the road; Gardiner went down to the road, stepped the distance, returned, and said, "that will do." At about three o'clock someone said, "it would be a lark to get the escort horses to take them back;" it was then suggested that someone should go back and look to the horses we had left tied; I proposed to go back, and after Gardiner studied for a while, he said, "Very well, you go; you're fright-

ened of your life, and you're the best to go." I said I had never done anything of the kind and did not like firing on men who had never done me any harm; I then went away, leaving seven men at the rocks, of whom Fordyce and Bow were two; Fordyce was under the influence of drink. I found the horses all right; while away I heard firing, several discharges; the men returned with some gold boxes, some rifles, and a cloak; the gold was placed on horses. I asked Gardiner if anyone was shot; he said, "No, and I'm glad of it; but if there had been it was their own fault, for I told them to stand, and they fired on me." When the men came back Gardiner said, "Get ready and make for where we camped last night;" we came on a piece of clear ground about a mile and a half near a creek, when Gardiner said, "We'll stop, open these gold boxes, and lighten the loads of the horses;" the boxes were opened with a tomahawk; we all had a hand in the opening; I saw the gold bags and the money taken out of the boxes; did not notice how many bags there were; I think there were three parcels; we left the boxes there, and we burnt some of the red comforters which we had used in the attack for disguise; we packed the gold afresh on one of the escort horses, and on Gardiner's own horse. We then went on. (Here Charters described the route at some length.) We crossed the river about twelve at night; we did not stay more than two hours; the registered letters were opened by the light of the fire; I heard Gilbert say, "Here's £6," as he put some notes into his pocket. After leaving this we went to Newell's, where Harry got some cans of oysters or sardines, two loaves of bread, and some gin; on leav-

ing, Gardiner said, "Go as crooked as you can so as to bother the trackers." We went on by direction of Gardiner till we came within a few (eight or nine) miles of Forbes; when daylight arrived, Gardiner said, "make for the Wheogo Mountain;" we went on past Wheogo House, and reached the top of the mountain, where we camped about 2 p.m. on the Monday; this place was about sixty miles from where the robbery was done; after camping Gardiner went down to some rocks, and brought back a pair of scales, some weights, and some grog; we remained there for that evening. On Tuesday night it rained; we rigged a tent with a blanket; we weighed the gold, rigging up three sticks to support the scales; I assisted along with the others; as Gardiner weighed the gold, he put it on a newspaper on a sheepskin; he also counted the notes; I heard him say there were £3561 in notes; he weighed the gold off in lots and said, "there were about 22 lbs. weight for each man;" each man's share was put up in lots; Gardiner shared out the gold and notes; we gave the strange men their share, which they packed up and strapped on a police cloak or lining. Gardiner said to Gilbert, "You had better go down to McGuire's and tell him to send me some rations—enough for two or three days;" Gilbert was away for about two hours; he returned with some rations in a large dish, and he had a tin can with tea; after we had something to eat, the three strange men bade us "Good-bye," and went away. We remained at the camp till the Wednesday morning, Gardiner and I never leaving the mountain, but Bow and Fordyce and Gilbert went after the horses on Wednesday and brought them up. On Thursday we got ready to start; Gardiner said he

wished he had another pair of saddle bags, and asked Gilbert to go and see if McGuire had some; he went away, but returned very shortly after in a fright, saying that as he came near McGuire's he saw a lot of police coming from the direction of Hall's towards McGuire's. After that we all got ready to start; after we got ready, we could hear the tramp of police horses coming up the mountain; we left the bottles and several other things; we had no time to shift them; we were then five in number—myself, Gardiner, Gilbert, Fordyce, and Bow; we travelled through some thick scrub, and Gardiner had got off his horse to take a drink of spirits and water, when I heard the police horses behind us; Gardiner was with me; I looked back, and saw what I thought was a blackfellow on a white horse; he was about 400 yards behind me; I could just see him through the scrub; I pointed him out to Gardiner; he said, "O Christ, here they are;" I then cantered away; Gardiner called to me not to go that way; Gilbert went in one direction, Fordyce in another; Gardiner was prodding his packhorse with the end of his gun to urge him along, till finding he could not get him along he left him; this was a very scrubby place, close to Weddin Mountains; Gardiner galloped after me, and said he had lost the gold, and it was a bad job; we asked to go back, as they might miss the pack horse; we turned, and looking through the scrub, saw three men on foot catching the horse. Gardiner then said, "We'll get on to Nowlan's, at Weddin Mountains." When I bade Gardiner "good-bye," he called me back, and said, "here's £50, it's all I can give you now we've lost the gold, and made such a bad job of it."

In cross-examination by Mr. Martin, Charters said: I have been in the colony about 18 years, and have lived at Burrowa, where I have a station with 300 head of cattle, half of them being my own and half my sister's. I have some land—I cannot say how much—but do not hold a license from the Crown for my station; there has been no increase in the stock on the station since it belonged to me. The rest of the cross-examination was devoted to various discrepancies in his evidence, Charters steadily denying that he took any voluntary part in the robbery or got any of the proceeds.

The examination occupied a very long time, and his evidence was listened to with the greatest possible interest by all parties in the court.

The next witness was a man named Thomas Richards, who was called chiefly to prove McGuire's connection with the other prisoners.

Two minor witnesses followed, and this closed the case for the Crown.

The defence consisted in an attempt to set up an alibi on behalf of Fordyce and O'Meally.

The third day was devoted to the delivery of addresses by counsel and the judge's charge.

Mr. Martin's address to the jury in defence of the prisoners was a very vigorous one. Upon Charters, the approver, he was very severe, ridiculing the idea that he had been pressed against his will into Gardiner's service, and denouncing him as a cowardly accomplice giving evidence in the hope of obtaining the reward. Pointing out contradictory passages in his evidence, he passed on to show that it had not been corroborated, except by another accomplice, Richard-

son, and to urge that it was therefore not to be believed.

These addresses were followed by one in reply by the Attorney-General, and by the Judge's summing up; and then the jury retired to consider their verdict. But there was some difficulty in the way, and the twelve "good men and true" could not agree. Hours passed away, and the anxious spectators and the more anxious prisoners were kept in suspense until next morning, when the jury, who had been locked up all night (having told the Judge at midnight that they could not arrive at a verdict), were called into court.

"Gentlemen of the jury," said the Associate, "have you agreed on your verdict?"

"No," said the foreman, "and there is no possibility of our agreeing."

His Honour then discharged the jury, and the prisoners were taken back to gaol, there to remain until the authorities were prepared to again place them on their trial. Meanwhile the witnesses were kept in Sydney, hundreds of miles away from home, while the numerous friends of the prisoners who had gone thither to hear the trial also prepared themselves for a lengthened stay.

But after the lapse of a fortnight the judicial machinery was again set in order, and the three prisoners were again indicted, Manns also being placed in the dock to stand his trial with them. Chief Justice Stephen presided at this trial, which followed much the same course as the previous one.

The jury retired at a quarter before eight o'clock on Thursday. At a quarter to ten p.m. the Chief Justice returned. Great excitement prevailed about

the doors ; and on the court being opened great eagerness was exhibited in securing places to hear the finale of the trial. The jury being again brought into court, the foreman said that they had agreed upon a verdict of guilty, on the first count, against Alexander Fordyce, John Bow, and Henry Manns ; and of not guilty as to John McGuire.

McGuire was then removed from the dock, in custody, the governor of the gaol stating in answer to the Chief Justice that there was another charge against him.

The three prisoners who had been found guilty were then asked if they had anything to say why sentence should not be passed upon them.

Alexander Fordyce said he was not guilty of wounding at the time of the robbery.

Henry Manns said he had nothing to say, only he was not guilty of the charge.

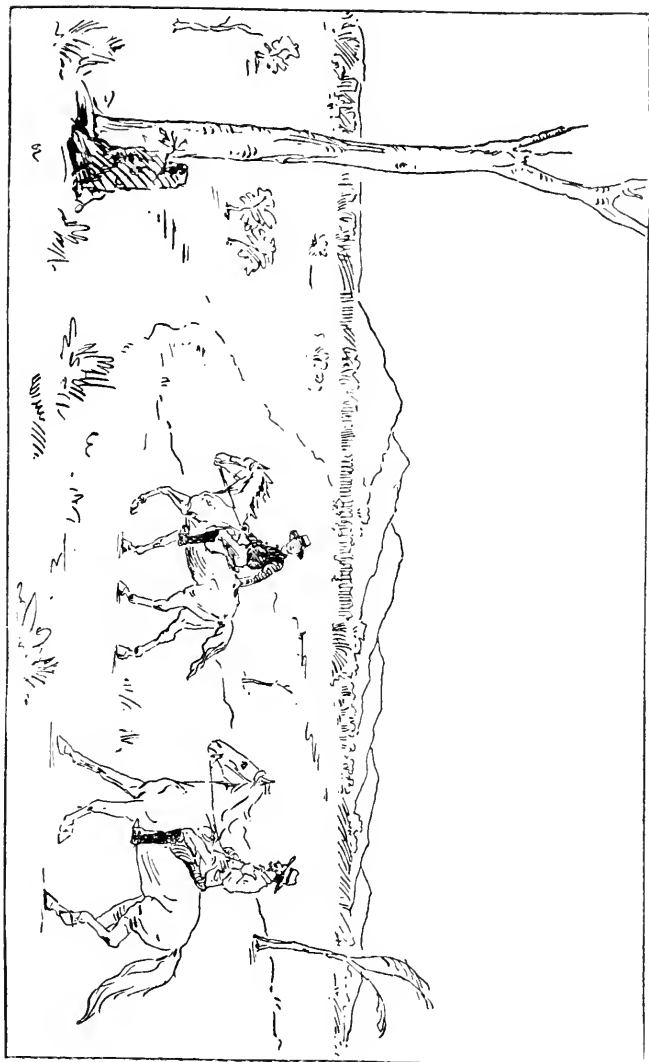
John Bow said the jury had found a verdict of guilty against an innocent man.

His Honour then, addressing the prisoners Manns, Bow, and Fordyce, said : "It is my painful duty to pass on you sentence of death. Henry Manns, though sorry to add to your distress, I must say that it is impossible to avoid remarking that you are, by document before the Court, self-convicted of perjury. During the time of your trial the case has been most clearly proved against you. No man can doubt that you are guilty. You have almost intimated a desire to plead guilty ; and that for the purpose of securing the escape of Bow and Fordyce, by asserting that they were not present at the robbery, and having two others arraigned in their place, apparently in order to cast dis-

credit upon the testimony of the present informer (Charters) and having some kind of revenge on him. But of what value would your oath have been when it was known that you stated on oath that if time were given, you could prove by the evidence of your father and three members of your family that you were not the person present at the robbery, nor the person upon whom the gold was found. They have not come forward. They would not perjure themselves. And now as a last resource, you freely admit that you are guilty. The jury were quite entitled to believe the testimony on which you were all three convicted; and I am informed that the general belief in the country is that the testimony is true. I believe it to be true. There is this wickedness clearly proved against Manns, that he designed by perjury to declare Bow and For-dyce innocent. And as to the crime itself, you must know that no Government on earth having regard to the security and peace of the country, to the lives and property of its unoffending subjects, could extend towards it anything like what is falsely called mercy. I agree in the opinion that there is more mercy due to the community, to the helpless and unoffending, than to those who stand convicted of crime. It is too much the habit to lavish pity on criminals, in forgetfulness of the outrages and misery of which they have been the authors. Some consideration is due to the police, who expose their lives in the discharge of their duty, to the interest of the community, in the security of the produce from the gold fields, where there are some ruffians, no doubt, but also many hardworking, honest, industrious men, having wives and children dependent on them. See to what a state of things this lawless-



THE WEDDIN MOUNTAINS.





ness has reduced us! Here is a proprietor of cattle, who joined a band of ruffians to rob, to wound the innocent—to kill them, unless merciful Providence had prevented. There is a nest of ruffians about the Weddin Mountains; and there seems to be scarcely one about that place who is not willing to join robbers in their crime. I believe you to be all three guilty. The jury have found you guilty, and I think they are right. You stand convicted of crime. Can any one doubt the nature of that crime? Is it not a crime demanding repression by all means at the hands of the Government? For the commission of this crime, seven or eight men banded together. It was long meditated. You came unawares on your fellow men, and shot at them. If they had been dogs they could not have been shot at with more cold-bloodedness and cruelty. Some of them were shot down by men banded together for lawless purposes; no man could doubt that you deserve the punishment the law affixes to such an offence. It is not for me to say that the law will take its course; but I cannot conceive on what ground the judge could say that such a sentence would not take its course. If mercy is to be shown in such cases, the law ought to be altered, and then there will be an end of all society; it would then be simply the rule of force; the strongest would take from another whatever he chose. I believe the punishment to be just; men do dread death; but they cannot expect impunity. There is a common impression that an accomplice will not be believed. This day the world will see that the evidence of an accomplice, if it hangs together as a true story, will be believed by a jury of honest men who boldly do their duty. It is not merely

the danger of the people, but the character of the community in the eyes of the world is at stake. The scenes that occur in this colony would be shocking to read of in any country. I believe that in cases of this kind, of deliberately planned robberies with cruelty and attempts at bloodshed, the only penalty men are likely to fear at all is death. If the Legislature does not think so, the Legislature must alter the law; but I have only to carry out the law as it is. I can feel for you as men, but if the taking of your lives should render the country more secure from such deeds of violence, the cause of humanity will be promoted by your extinction. Here was a reckless, bloody, murderous onslaught upon innocent men. While deeply feeling for you I feel that the interests of society are paramount, and must be defended. The sentence of the court is that you be, each of you, taken hence to the place from whence you came, and thence at a day appointed by the Executive Government, to the place of execution, there to be, each of you, hanged by the neck till you are dead. And may the Lord have mercy on your souls."

The prisoners were then removed, and the audience, who had maintained decent quietness amid all the crowding and excitement, speedily withdrew.

A word or two will not be considered out of place by way of comment upon the result of the first trial. The novelty of a Special Commission, and the strong doubts which had obtained in the public mind, produced by the fact that the verdict almost solely depended on the evidence of the approver, were sufficient to create an interest rarely felt in cases of either rob-

bery or murder. And as many had expected, and many more wished, so it happened; the case broke down. The people of the west, when the news reached them, joined in the chorus, "We told you so," and the fault was laid at the door of the Government, for having fixed the trial of the men in Sydney, where, according to general impression, there was a wide-spread feeling of sympathy for the accused. They did not go so far, however, as to directly accuse the jury of being sympathisers with crime. Their condemnation went out rather towards the spectators, who appear from the reports in the papers to have manifested great joy at the result, and gave expression to their joy in various ways; yet even for them an excuse was found.

One writer put the case thus: "The excitement of the crowds congregated at the trials arose out of a common dislike to the evidence of an approver. The popular mind detests this kind of testimony, not merely because it is seldom to be relied on, nor indeed from any other reason as such, but from a sort of instinctive feeling which rushes at once to the conclusion that it is an augmentation of villainy. He is regarded as infinitely worse than those against whom he testifies. He is not only a thief, but a traitor. His accomplices are punished through his means, but it is at the expense of a deeper dip into crime. He saves himself, but to do that probably sends his own companions in guilt to death. What is called justice is supposed to reap some advantage; but even this is only apparent, for whilst the law wreaks its vengeance on the condemned, it lets loose the greatest villain of the mob to prey upon mankind, and the imagination pictures him as drinking the blood of his accomplices. But this

particular approver endeavoured to screen himself under a declaration that he was coerced into the scheme. It would have been more creditable for him not to have urged this, as he entirely failed to make it so appear. He was disappointed, not from any unfairness of his associates towards himself, but from the loss of the grand booty. If he had received 22 lbs. weight of solid gold, and £3000 in notes as his share of the spoil, would he have delivered it up to the authorities and turned approver then? Of course this is not exactly what Government cares about, but it is the popular reasoning; and most men believe that it would be better for the accused to escape than the accuser to have his revenge."

There was an end to all disputing in the country, however, when it became known that three of the prisoners had been convicted and sentenced to death; but discussion was revived when the fact was made known that the Sydney people were agitating to obtain a commutation of the sentence. The result of the meeting of the Executive Council was soon known throughout the colony. The sentence of death passed upon Fordyce was commuted to imprisonment for life, but Bow and Manns were to be left to their fate. The reason for a reprieve in the one case was given. Fordyce had not fired his gun, and therefore was held less guilty of the intent to murder than his companions. This reason was a flimsy one, as the evidence showed it was through no fault of his that a bullet from his rifle did not do deadly work. Gardiner had upbraided him for not firing, and he replied "I snapped the gun, but it did not go off."

The act of the Executive in reprieving one of the

condemned men made the petitioners redouble their efforts to save the remaining two. Petitions poured in upon the authorities, and the city was kept in a continual state of ferment; but the Executive Council was inexorable. They put their foot down firmly and declared they had gone far enough; there was nothing in the case of Bow and Manns to justify an extension of mercy to them. But his Excellency the Governor had a say in the matter on his own account, and having been strongly urged to exercise the Royal prerogative on his own responsibility, he yielded to the solicitations and reprieved Bow, the sentence being changed from death to imprisonment for life, the first three years in irons.

But even the Governor drew the line at Manns. Right up to the morning fixed for the execution the agitation in Mann's favour—the youngest of the condemned trio—was kept up; it was considered that his Excellency, having exercised his prerogative—the first time an Australian Governor had done such a thing in opposition to his responsible advisers—in one case, could not refrain from exercising it in the other, the two being “on all fours.” One petition was presented to his Excellency with no less than 10,000 signatures attached, but the reply sent back was that the law must take its course; and on the morning of the execution he sent a message to a deputation of prominent citizens who had gone to Government House to interview him on Mann's behalf, refusing to see them and declaring that the decision of the Executive was unalterable.

The text of one of the petitions will show the scope of the whole. It ran as follows:—

Your petitioners humbly approach your Excellency and draw attention to the following reasons why the life of Manns should be spared:

1. That the prisoner is a young man who has passed his life in the interior away from all moral and religious training.

2. That hitherto he has borne a character for honesty and industry, this being the first crime with which he has been charged, and into which he may have been dragged as Charters, the approver, has sworn he was, from fear of the noted ruffian Gardiner, or by force of other circumstances.

3. That for many years previous to the 18th instant no person has suffered the extreme penalty of the law for any crime which has not resulted in death.

4. That the majesty of the law will be sufficiently upheld by penal servitude for life.

5. That your Excellency having been pleased to spare the life of John Bow, who was equally guilty, your petitioners believe the prerogative of mercy ought to be extended to Henry Manns.

Since his condemnation, the youthful criminal—he was only twenty-four years of age—had conducted himself in gaol with great propriety, and under the zealous and untiring efforts of the clergymen and Sisters of Mercy who attended him, devoted himself earnestly to preparation for the awful ordeal through which he was to pass; though it would seem he was not wholly without hope up to the previous evening that his life would be spared. This belief was intensified, no doubt, from his learning what had been done in the case of Bow, and in the strong efforts which were being made on his own behalf. But all those efforts proved unavailing, and Manns was handed over to the Under-Sheriff in due course, and by him transferred to the executioner.

His distracted mother, being anxious to have the body for interment at Campbelltown, made application for it to be handed over to her as soon as the officers of justice had finished their deadly work. Mr. (afterwards Sir) John Robertson, Secretary for Lands, who



was acting for the Premier, at once complied, and the body was taken in the hearse and driven with all speed to the Haymarket; as it was feared that if the great crowd that had congregated outside the gaol walls knew what was being done they would follow and make a scene, which those acting for the unfortunate mother were anxious to avoid. Arrived at the inn where Mrs. Manns was waiting, the body was removed from the prison shell and placed in a coffin provided by the friends, and the mother and those friends having entered the mourning coach, a start was made for the railway station. But the crowd, true to its morbid instincts, had followed, and here blocked the way, and the heavy burden of the mother was made heavier by the jostling to which the mournful party were subjected. The excitement manifested had in great part been created by a rumour which had been suddenly circulated that the friends had made such haste from the gaol in order to make efforts to resuscitate the hanged man. The body was conveyed by train to Campbelltown and there buried in a grave wherein two younger members of the Manns family lay.

The unfortunate and misguided youth whose earthly career was thus cut short in a manner so horrible, was a native of Campbelltown, and many persons who knew him there as a boy spoke of him favourably as a well-conducted lad. For the last six years of his life he had been employed in looking after stock in the district lying between the Murrumbidgee and the Lachlan Rivers; and during the last twelve months had been employed on Sutherland's station, called The Gap, at no great distance from Lambing Flat. Here he made the acquaintance of Frank Gardiner; and it

was commonly thought that he was one of the gang employed by Gardiner in "sticking-up" carriers and others on the road in that locality. During his imprisonment he confessed his share in the escort robbery, and more than once sought acceptance as approver with Charters.

John Bow, who was only twenty years of age, was a native of Penrith, where he was known to many persons as a schoolboy, as a remarkably well-behaved and intelligent youth. He was very respectably connected, having a half-brother and sister in very good positions in different parts of the country. He had been employed for five or six years in the Burrowa district as a stockman for different persons, but his connection for the last twelve or eighteen months with parties who were now well known to have been in constant communication with Gardiner, had no doubt led to the breaking down of whatever principles of good his earlier education may have planted in his mind, and to his initiation in the way of crime—a way that offered a broad and quickly travelled road to the unfortunate youth, and brought him to the cell over which the terrible words, "For Life" were written.

Alexander Fordyce, the third escort robber to receive sentence, was thirty-four years of age and a native of Camden. Having been attracted to the diggings, he fell in with the Wheego mob, and then followed the downward course very rapidly, in the manner already described.

The three men named were the only members of the gang brought to trial for the escort robbery. Gilbert, Hall, and O'Meally were shot dead in their tracks after committing many other daring outrages. Gar-

diner was subsequently arrested, tried, and sentenced to a long term of imprisonment; but the then Attorney-General declined to put him on trial for this offence. Charters, of course, got off scot free, and located himself in the district where the robbery had taken place—but not until those who were likely to “pay him out” for turning informer had been removed.

The bulk of the stolen treasure was never recovered. What became of it is only known to the men who stole it and those to whom they handed it over: although some of the residents of the district have always held to the opinion that more than one of the “shares” so carefully divided by the leader of the gang still lie hidden in the fastnesses of the Weddin Mountains. My own opinion is that there are persons living at the time this is being written—and nearly forty summers have passed away since the robbery—who could if they chose account for the unrecovered gold and notes. More than this I dare not say.

## CHAPTER VIII.

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### THE LAST OF GARDINER.

As a stimulus to extra exertions on the part of the police, and as a temptation to one or other of the many residents of the district who were known to be on friendly terms with Gardiner and his "boys," the following proclamation was issued while the trial of those of the escort robbers who had been caught was proceeding:—

Colonial Secretary's Office,  
Sydney, 6th February, 1863.

£1000 REWARD.

FOR THE APPREHENSION OF FRANCIS GARDINER ALIAS CLARKE, AND JOHN ALIAS JOHNNY GILBERT.

Whereas the abovenamed Francis Gardiner alias Clarke, and John alias Johnny Gilbert, are charged with the commission of numerous and serious offences, and have hitherto eluded the efforts to apprehend them, principally by their being harboured, assisted, and concealed by parties resident in the districts they frequent: It is therefore notified that the Government will pay a Reward of Five Hundred Pounds for such information as will lead to the apprehension of either of them: And should such information be given by any person charged with the commission of any offence, his case will receive the favourable consideration of the Crown.

All parties are also hereby cautioned against concealing, harbouring, assisting, or maintaining the abovenamed offenders, as by so doing they render themselves liable to be dealt with by law, as accessories to the crimes of which the offenders so assisted may be found guilty.

CHARLES COWPER.

## DESCRIPTION OF FRANCIS GARDINER, ALIAS CLARKE.

Native of Goulburn, New South Wales, 32 years of age, 5 feet 8½ inches high, a labourer, dark sallow complexion, black hair, brown eyes, small raised scar in left eyebrow, small scar on right chin, scar on knuckle of right forefinger, round scar on left elbow joint, two slight scars on back of



JOHNNY GILBERT.

left thumb, short finger nails, round scar on cap of right knee, hairy legs, mark on temple from a wound by pistol ball or whip.

## DESCRIPTION OF JOHN ALIAS JOHNNY GILBERT.

Between 22 and 24 years of age, boyish appearance, 5 feet 7 or 8 inches high, between 9 and 10 stone weight, slight, light brown straight hair, worn long in native fashion,

beardless, and whiskerless; has the appearance and manner of a bushman or stockman, and is particularly flippant in his dress and appearance.

It is pretty well known that Johnny O'Meally and Ben Hall were, to use an expressive bush phrase, "up to their necks in it" with Gardiner; but for some reason best known to themselves the authorities did not put a price upon them—that piece of official work was reserved, as will shortly be seen, for a future occasion.

Meanwhile Gardiner and his mates continued in active pursuit of their calling. After the rescue of Manns and Darcey, Gilbert rejoined Gardiner, O'Meally, and others in the neighbourhood of the Weddin Mountains; and while the police of the district were engaged on the trials at the Special Commission in Sydney, they carried on their depredations, still pursuing their old plan of dividing forces and appearing alternately on the Lachlan and the Goulburn sides.

The district police had some difficulty in regulating their movements, so many and various were the reports received, and it was only occasionally that they could get upon the freshest tracks. When they were brought by accident into something like close quarters with the Knights of the Road, they invariably came off "second best"; if they did make a capture it was of some raw recruit only, the men chiefly wanted getting clean away. While the bushrangers were in the Goulburn district, three troopers—Hughes, Gall, and Bacon—who were out in the hope of meeting with them, saw several mounted men in the bush off the Tuena-road, and, judging them to be suspicious characters, took steps to make their closer acquaint-

ance. In compliance with the semi-military character of the force, the order was given to extend, so as to hem the suspects in. The bushrangers, quietly watching the operation, kept together, and, as soon as the troopers were properly extended, thundered down in a body on Trooper Hughes. Shots were exchanged, and the trooper was wounded in the arm before his companions could come to his relief. Satisfied with having winged the leader, the bushrangers wheeled their horses and galloped away, while the discomfited force, abandoning all thought of further pursuit, made haste to return to quarters with their report.

Another encounter between some of the gang and the police took place between Forbes and Lambing Flat a few days afterwards. Sergeant Sanderson, with detectives Lyons and Kennedy, had left the Lachlan in charge of three prisoners by the coach for Lambing Flat. On reaching Brewer's shanty three horsemen with two led horses were observed. Two of the horsemen bolted; the third, Davis, stood his ground and received four shots from detective Lyons, all of which took effect—one in his thigh, one in his wrist, and the other two in his head. Davis fell, and was immediately pounced upon by the detective, Lyons; the prisoners assisted in securing him, and he was brought to Brewer's shanty. Davis was one of the latest recruits in Gardiner's gang, and had been present at the sticking up of Crowther and Croaker's stations a few days previously. At the former place Gardiner, with seven accomplices, stuck up Mr. Pring's servants. One of the bushrangers played the piano while the rest danced and drank brandy and water at Mr. Pring's expense. At Mr. Croaker's

station one of the bushrangers played a concertina, and sang "Ever of Thee" to the host.

Just about this time the following communication, which throws a little light upon the operations of the gang, appeared in the "Yass Courier" from the correspondent of that paper at Marengo:—

In my communication of the 30th ultimo, I stated that I was sanguine as to the result of the expedition in search of the bushrangers, but I am sorry to say that the police were unsuccessful, and from circumstances I have since ascertained the cause of this bad luck is explained. It seems in consequence of the gold escorts being strongly guarded, and the money order system being introduced by the postal authorities, that General Gardiner finds it expedient to change his tactics. I am informed that this captain of the "free companions" has divided his band into two parts, viz., the "neophytes" and "men-at-arms," and the *modus operandi* of his last raid was as follows: Eight or nine of the neophytes, or apprentices, headed by Johnny Gilbert, were dispatched as a decoy to beat up the enemy's quarters (that is, the surrounding stations), to make plenty of noise, etc., and then to securely "plant" for a few days. The news soon reaches Lambing Flat, and the commanding officer there, with his usual impetuosity and zeal, arms and musters all his available force, consequently leaving those diggings contiguous to the Flat quite unprotected (for the foot police are only of use to the town itself)—the very thing aimed at and required by the ubiquitous captain of "free lances," who instantly musters five or six of his most stalwart and unscrupulous men-at-arms; in broad daylight they ride up to one of the largest stores in Spring Gully (one mile from the Flat), coolly tie up their horses, and leaving two men outside to prevent awkward intrusion, march in, "bail up" the inmates, and obtain considerable booty, including ammunition, revolvers and about £60 in cash. Of course they experience no interruption from the authorities, as the villains were well aware that the police were on a wild-goose and previously cut-and-dried chase miles away—which was the case with the exception of one unfortunate constable, who happened to be serving a warrant in the neighbourhood; he was ordered by the taller of the two rogues outside the store to "stand and deliver." . . . . The station owners about here have been so often plundered that they now keep scarcely anything on their premises that would be available by the bushrangers, therefore when they are visited by robbers the attack is only a



ruse of the junior part of the rascals, to draw or decoy the police away from a wealthier place previously spotted.

And another thing that greatly counteracts the strenuous efforts of the mounted police is the system of "bush telegraphy," which I will explain. Of all the numerous settlers on the Fish River, Abercrombie Ranges, or the Levels, scarcely half are true subjects; only five settlers on the Levels are considered by the police to be truly loyal, and free from the taint of harbouring and, directly or indirectly, encouraging bushranging. For instance, about three or four months ago the patrol were on the Bland Plains (the Levels) in pursuit of some well-known desperadoes, who they knew were not many miles off, and they called at a slightly suspected station; being unsuccessful, they proceeded to the next station, the residence of a truly loyal man—a gentleman, though boasting of no great birth or education—no scion of aristocratic tree, yet still a gentleman; "for honest men are the gentlemen of nature." He gave the officer in command all the information in his power, but while doing so he suddenly exclaimed, "Haste or you'll be too late; for, by Jove, there goes the 'telegram' from Mr. ——'s place, you passed last." The officer looked in the direction pointed out, and there saw straight across one of the highest ranges, at a stretching gallop, a finely mounted youth. No time was lost by the patrol, but when they got to their destination they found the residents calmly waiting their arrival, having been evidently on the look out for some time. Of course everything was found correct and square; so that the police had to return sadder, but in slightly one sense (i.e., bush telegraphy), wiser men. There is a strong suspicion that a "bush telegram" exists in every township; for upon the day that Gardiner dispatched his junior corps upon the above mentioned strategic expedition to Bentick Morrell, and some other stations, after the plundering they camped in the evening in a secluded part of the bush, near Marengo, not very far off the old sheep station, and were visited by some two or three members of a certain family here. This I have been told as a fact, and if, upon further inquiry, I find it to be so, I will, through the medium of your columns, regardless of consequences (notwithstanding their social position), thoroughly expose them; for I consider it the bounden duty of all loyal subjects of her Majesty to do everything in their power to check the wholesale atrocious depredations now carrying on; and until every one of these dens of refuge and "bush telegrams" are absolutely exterminated, all efforts of the authorities to put down bushranging will be futile and abortive.

Just about this time a letter was published in the Lambing Flat paper, purporting to be from Gardiner.

Many persons doubted its authenticity, but the editor of the paper invited inspection of the MS., with the envelope, post-marked and stamped, and declared his belief in its genuineness. The following is a copy of the letter:—

(To the Editor of the "Burrangong Miner," Lambing Flat.)

Sir,—Having seen a paragraph in one of the papers, wherein it is said that I took the boots off a man's feet, and that I also took the last few shillings that another man had, I wish to make it known that I did not do anything of the kind. The man who took the boots was in my company, and for so doing I discharged him the following day. Silver I never took from a man yet, and the shot that was fired at the sticking-up of Messrs. Horsington and Hewitt was by accident, and the man who did it I also discharged. As for a mean, low, or petty action, I never committed it in my life. The letter that I last sent to the press, there was not half of what I said put in it. In all that has been said there never was any mention made of my taking the Sergeant's horse and trying him, and that when I found he was no good, I went back and got my own. As for Mr. Torpy, he is a perfect coward. After I spared his life as he fell out of the window, he fired at me as I rode away; but I hope that Mr. Torpy and I have not done just yet, until we balance our accounts properly. Mr. Greig had accused me of robbing his teams, but it is false, for I know nothing about the robbery whatever. In fact, I would not rob Mr. Greig or anyone belonging to him, on account of his taking it so easy at Bogolong. Mr. Torpy was too bounceable or he would not have been robbed. A word to Sir W. F. Pottinger. He wanted to know how it was the man who led my horse up to me at the Pinnacle did not cut my horse's reins as he gave me the horse. I should like to know if Mr. Pottinger would do so? I shall answer for him by saying no. It has been said that it would be advisable to place a trap at each shanty along the road, to put a stop to the depredations done on the road. I certainly think that it would be a great acquisition to me for I should then have an increase of revolvers and carbines. When seven or eight men could do nothing with me at the Pinnacle, one would look well at a shanty. Three of your troopers were at a house the other night and got drinking and gambling till all hours. I came there towards morning when all was silent. The first room I went into I found revolvers and carbines to any amount, but seeing none as good as my own, I left them. I then went out, and in the verandah

found the troopers fast asleep. Satisfying myself that neither Battye nor Pottinger were there, I left them as I found them, in the arms of Morpheus.

Fearing nothing, I remain, Prince of Tobymen,  
FRANCIS GARDINER, the Highwayman.

Insert the foregoing, and rest satisfied you shall be paid.

As indicative of the widespread notoriety gained by the "King of the Road," it may be mentioned that the authorities in Sydney kept their brethren in Victoria fairly posted in his movements, suspected or ascertained; and the latter ordered a good look-out to be kept on that side of the Border, anticipating that Gardiner would sooner or later seek refuge in Victoria. One rather ludicrous instance of over-zeal by the Victorian police is recorded. A gentleman named Garrett, member of a respectable business firm, had gone into the country with one of his men; when nearing his destination, a place called Raglan, he was accosted and catechised by a policeman, and having given satisfactory answers was allowed to proceed on his way. On arriving at a public house, towards evening, he found the house shut up, and it took some parleying with the landlord before he could be reassured and the tired travellers admitted. Mr. Garrett retired to a bedroom to perform his toilet while supper was getting ready, and his man sat down at the table. Shortly afterwards two troopers arrived, took the landlord on one side, and informed him that Mr. Garrett was the desperado Gardiner; they then entered, and, placing two revolvers at the head of the man, asked where his mate was. The man replied he had no mate, but his master was in the bedroom. Mr. Garrett just then opened the door, and was coming out candle in hand, when the revolvers were pointed at him, and

he was threatened with a bullet through his head if he dared to stir. Seeing that the constables had evidently lost all nerve, and were trembling from head to foot, Mr. Garrett thought it best to be calm. He answered every interrogation as calmly as possible and allowed himself to be searched, the documents on him fully bearing out what he had stated. The police professed themselves satisfied that he was not Gardiner, but insisted on taking him into custody, right or wrong, on suspicion of horsestealing, and ordered him to come with them at once. Mr. Garrett, being hungry and tired after a day's ride, insisted on having his supper first; and, although the search had proved that he had no weapon of any description about him, his gallant captors sat during supper with their revolvers pointed at him within an inch or two of his head, in so great a fright that their pistols were shaking in their hands, and he almost expected to be shot every time he moved his hand with the fork to his mouth. The man could eat nothing under the novel circumstances. After supper, Mr. Garrett made a virtue of necessity and allowed himself to be handcuffed, or his captors would have murdered him. The party reached Raglan about eleven o'clock, and master and man had to submit to the indignity of being confined in the "logs" all night. Next morning the telegraph was set to work and Mr. Garrett's identity established, when he was set at liberty with the assurance that he had no remedy.

Somewhat suddenly, the talk about Gardiner changed to one simple inquiry to which nobody was in a position to give a satisfactory reply; and that enquiry was, "Where is he?" The newspapers no longer contained thrilling accounts of heavily-laden coaches,

honest carriers and travellers “stuck up” by the King of the Road. Others were doing that sort of work, and to some purpose, too; but Gardiner—the father of bushranging, the man who boasted that he “never did nothing dishonourable,” the chief of the gang the record of whose exploits had made the colony shiver with excitement—Gardiner, the handsome, the daring, the ubiquitous, had suddenly vanished. Had he been shot by any of his followers in some heated brawl when dividing the spoils? or was he in hiding in some gully among the mountains, such as formed the bush-rangers’ favourite resort? or had he escaped from the colony with the accumulated wealth gotten by his repeated robberies? Never an answer came. Gardiner had disappeared—vanished as completely as though the earth had opened and swallowed him up. And it was all in his favour that the gang he had formed remained unbroken and active; for well-organised search could not be made while Hall, Gilbert, O’Meally, and Co. held the roads, and kept the whole police force of the western and southern districts running hither and thither.

There was another person who was missing at the same time—the Mrs. Brown, near whose house Sir Frederick Pottinger had allowed Gardiner to slip through his fingers, after having gone there with a young army of police to capture him. This woman proved her liking for the bushranger by forsaking a comfortable home to share the dangers of his flight and exile. When and how the pair got away together was not known until long afterwards, and where they had gone to appeared likely to remain an unsolved mystery. The only thing definite known was that

Gardiner and Mrs. Brown had both disappeared from the district. But although they had managed to escape from New South Wales, they had not crossed the sea to any of the rogues' refuges in the Islands or in America. They were almost within hailing distance; and the colony was very much astonished one morning in March, 1864, by the discovery and arrest of the notorious bushranger and the woman who for him had left a comfortable home.

This news was at first not credited. For a long time people believed that some mistake had been made and that the man who had been arrested was not Gardiner; but in due course every doubt was set at rest, and then men marvelled greatly that the arrest had not been sooner made. The story of the arrest is a simple one, and may be told in few words.

#### GARDINER'S CAPTURE.

There was in the Sydney Police Force at this time a detective named McGlone, who had had a little experience in hunting down criminals, although not so large an experience as some of his colleagues in dealing with bushrangers. In some way never fully explained to the public he received information from what he considered a reliable source that Gardiner was in Queensland, living somewhere on the Appis Creek road; and armed with all necessary documents and weapons, and accompanied by two policemen named Pye and Wells, he took boat for Queensland, reaching Rockhampton, the port nearest to the locality for which they were bound, on 11th February, 1864.

The object of the expedition was not made known by McGlone to his companions, but they were satis-

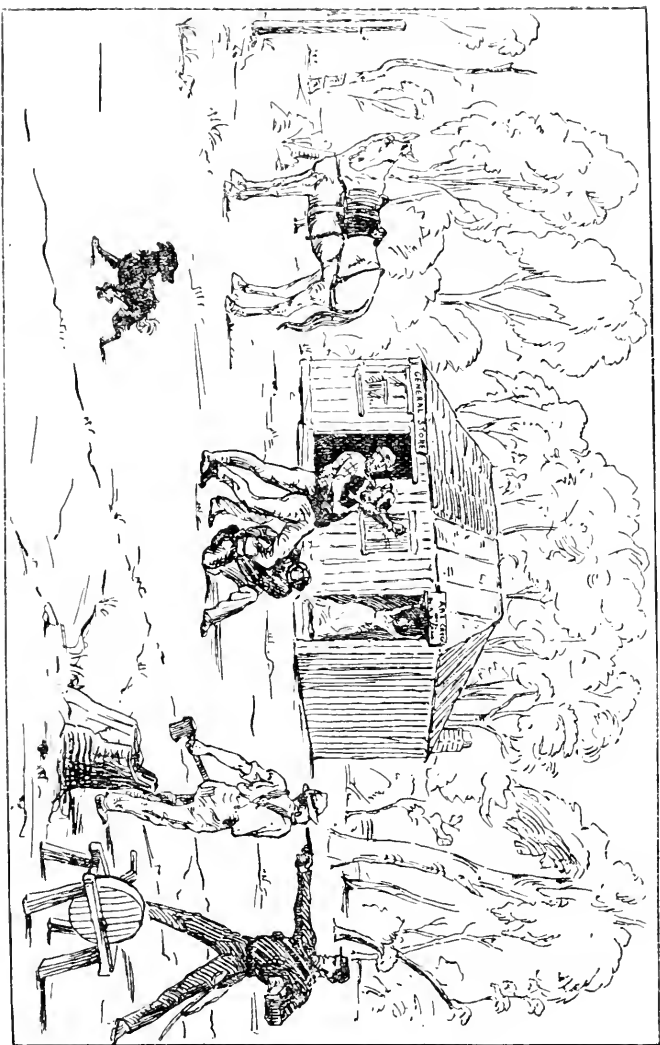
fied to know that it was one of more than ordinary importance, requiring the utmost secrecy. They assumed the dress and character of diggers, to escape observation on the road. Owing to the flooded state of the river the party was unable to proceed for several days; while waiting they observed in the town several persons whom they had previously seen on the Lachlan, and who there had the reputation of being sympathisers with the bushrangers. At length the river subsided and the trio crossed over. All along the road every face and every hut was rigidly scrutinised, but it was not till they had gone a day or two's journey that McGlone again recognised several old Lachlan faces. Hope revived, and the cautious Scot now knew that his game could not be far away. Weary, dusty, and thirsty, the seeming diggers arrived at Appis Creek, camping within 100 yards of a store and public house which (as a signboard indicated) were jointly carried on by Messrs. Craig and Christie. Without knowing it McGlone was in sight of his quarry.

Nine months previously Gardiner and his paramour had entered Rockhampton by the overland route, and had assumed the names of Mr. and Mrs. Frank Christie, this being Gardiner's real patronymic. They did not stay long in Rockhampton, but left the town for the Peak Downs goldfields. After passing Yaamba the interesting pair fell in with a Mr. Craig, who was going in the same direction, and travelled together for company. While thus journeying Craig (who, to do him justice, appears to have been totally ignorant of the true character of his fellow-traveller) entered into an exposition of his intentions and pros-

pects; the confidence was returned by his new acquaintance, who appears not to have concealed the fact of his having at least sufficient capital to make a good beginning in the public-house or storekeeping line. What more natural than that these communicative fellow-travellers should discuss the probable success of a little "spec" in the public-house and store way? Craig knew of a good stand at Appis Creek, and had a little spare cash; Christie (alias Gardiner) was similarly provided; and then, too, how well Mrs. Christie would suit behind the bar of a country inn, or counter of a snug little store! Craig did not hesitate; the partnership was entered into, a public-house and store were opened at Appis Creek, and our quondam bushranger settled down for a quiet life.

As was his usual custom after camping, McGlone went up to the house to ferret out all he could without exciting suspicion. As he approached he noticed an individual seated on the doorstep of the store, head in hands, elbows on knees, gazing vacantly up the road. The first glance told McGlone his journey was at an end—there sat his man! But he must make sure; so putting on a woe-begone, sick-man expression, he entered the store and was confronted by Mrs. Brown. In a few minutes he asked Gardiner to come and have a drink, and when Gardiner stooped to pour out the liquor, the detective's sharp eye noticed the peculiar scars on his head and hands. Lieutenant Brown, of the Queensland native police, happened to pass just at this moment, but McGlone dared not speak to him for fear of exciting suspicion; but fortunately he heard Brown say he would stop the night at M'Lennan's, a mile away.





THE CAPTURE OF GARDINER



McGlone now returned to his mates and told them for the first time who it was they had come to take, and where he was to be found. A plan was agreed on, and after dark McGlone crept off to Lieutenant Brown and secured the co-operation of that gentleman and his black troopers, who, as the sequel proved, behaved most admirably. These precautions were taken because McGlone saw so many of Gardiner's old chums, and so many suspicious ruffians about, that he feared a rescue. Next morning the digging trio struck their tent, picked up their swags, and prepared for their apparent journey further, merely strolling up to the hotel to get a parting glass. At the same time Lieutenant Brown and troopers hove in sight, apparently off for a tour of his district, as they had often appeared before, the troopers singing gaily their corroborree song. Gardiner was talking to two men who were grinding an axe, but began to edge off to the store on seeing the diggers approach. Pye, however, perceived the move, and pushed up to cut him off, while McGlone threw him off his guard by addressing a remark to him about his dog. Gardiner turned to reply, when Pye seized him from behind; McGlone seized him by the legs and threw him on his back; the troopers sprang from their saddles and pointed their carbines at the spectators, while Brown literally poked his pistol into the jaws of one of the axe grinders before he could be deterred from assaulting the constables. And thus Gardiner was taken.

McGlone was not the man to spoil his work by the neglect of necessary precautions. After having assured himself that Gardiner was so bound as to render escape impossible, he conducted him to McLellan's

station, some distance from the store, where he placed him in confinement pending his removal to Rockhampton—telling him then for the first time the reason for his arrest. To make doubly sure McGlone also arrested Craig and Mrs. Brown, and quite an interesting little company was shortly thereafter under marching orders for Rockhampton.

At the Rockhampton Police Court, Gardiner was charged with having "committed various highway robberies in New South Wales," while Craig was charged with harbouring him, and Mrs. Brown with "concealing and assisting a bushranger." The two latter were acquitted. Gardiner was remanded to Sydney, and removed to Brisbane gaol to await the first steamer. Here McGlone suddenly learned that forces were at work in the bushranger's favour which called for prompt action. An effort was made to prevent the prisoner's removal from Brisbane to Sydney, and a Brisbane solicitor actually obtained a writ of habeas corpus. But McGlone "knew the ropes," and before the writ could be served he had removed his prisoner from the gaol to secure quarters on board the steamer "Telegraph," which was then getting ready for her return trip to the capital of New South Wales. The steamer was timed to start next morning; at the hour fixed the start was made, and detective and desperado were soon beyond the reach of sympathetic Queenslanders.

In due course Gardiner was safely lodged in Darlinghurst Gaol, and his captor lost no time in hunting up witnesses for the preliminary examination, which the authorities decided (for reasons which must

be patent to every reader) should be held within the precincts of the gaol. The greatest excitement prevailed in Sydney when it became known that the King of the Road had arrived. Here was indeed a distinguished visitor, and if the authorities had cared to make a display, and published the programme of proceedings connected with the landing and the escort from the quay to the prison, they could have drawn a crowd greater than would have gathered to witness the landing of any royal personage. But it was deemed prudent to keep the affair as quiet as possible, and before the majority of the citizens knew that Gardiner had arrived he was safely housed in the cell that had been prepared for him.

Captain Scott and Mr. George Hill were the magistrates who conducted the preliminary proceedings. The court sat in the debtor's ward of Darlinghurst Gaol in April, 1864, and the charge preferred against the prisoner was that he did feloniously shoot and wound with intent to kill, John Middleton and William Hosie, at the Fish River, on the 16th July, 1861. Mr. David Forbes appeared on behalf of the Crown, assisted by Mr. Williams, Crown Solicitor, and Mr. Frazer; while Mr. Redmond and Mr. Roberts attended on behalf of the prisoner.

The Bench committed Gardiner to take his trial at the adjourned sessions of the Central Criminal Court to be held on May 17th following. Mr. Roberts protested strongly against such a comparatively short time to prepare his defence, when the Government had employed all their influence and had so much time to set up a case against him.

## THE TRIALS AT THE SUPREME COURT.

On the day appointed the prisoner, under the three names—Francis Gardiner, alias Clarke, alias Christie—was arraigned at the Sydney Central Criminal Court, before Mr. Justice Wise, the charge being shooting and wounding Middleton with intent to murder him.

The Attorney-General prosecuted, and Messrs. Isaacs and Dalley appeared for the defence.

After a curiously mild trial, towards the close of which the Crown Prosecutor remarked to the jury that “no one would be better pleased than myself if you acquit the prisoner,” the presiding judge summed up carefully, and the jury retired. At twenty-five minutes past 6 o’clock it was announced by the Sheriff to his Honour that the jury had agreed. A profound silence ensued as they re-entered the box, and the prisoner was again brought into Court.

The clerk of arraigns put the usual question, “Gentlemen of the jury, do you find the prisoner at the bar guilty or not guilty?” The foreman answered in a distinct voice, “Not guilty,” and the announcement was received with a perfect yell of delight, accompanied by clapping of hands, which all the vociferations of the tipstaves and constables on duty failed to repress. The Judge—pale as death from illness, fatigue and agitation—rose from his seat, and in a voice of severity ordered the constabulary to arrest any person they saw behaving in so disgraceful and shocking a manner on such an occasion; at the same time pointing out to the police on duty a lad, about fifteen or sixteen years of age, who was clapping his hands in a most frantic manner. The boy was immediately

brought before the Judge, and the Court House—which a minute before was a scene of uproar and confusion—was again as silent as the grave. “Young man,” said Judge Wise, in a voice tremulous with emotion, “you are committed to Darlinghurst gaol for contempt of Court. I am shocked—inexpressibly shocked, at this disgraceful and unseemly exhibition



MR. JUSTICE WISE.

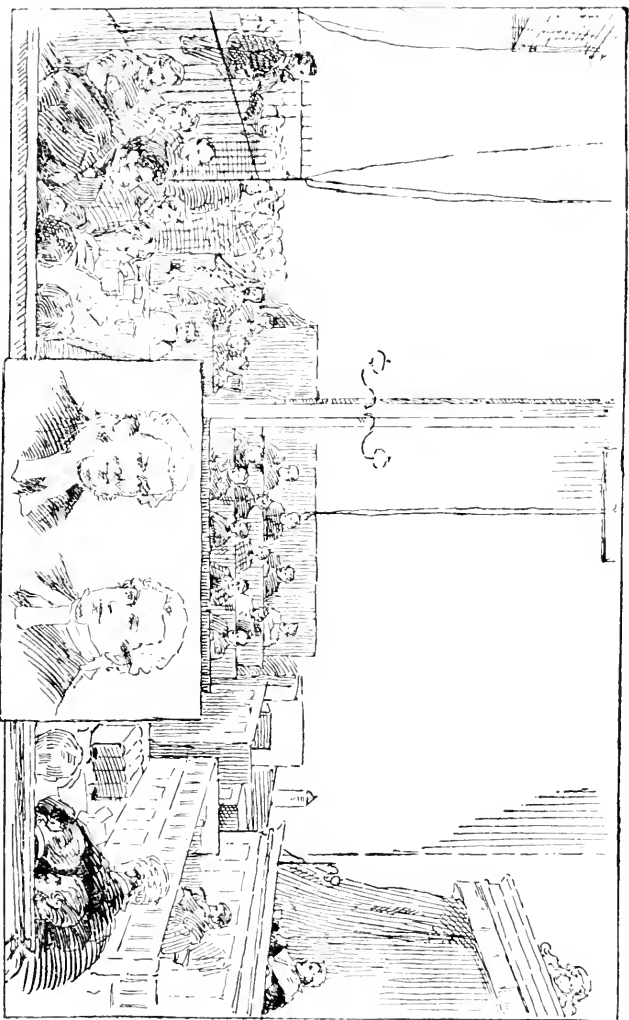
within the walls of a court of justice on so solemn an occasion as this.”

The prisoner, who all the time had been an anxious auditor of what was going on, listened anxiously for what was to follow. The counsel for the Crown informed the Judge that there was another indictment

to be preferred against the prisoner, who was thereupon told that he was to return to gaol on remand. In view of the manifest sympathy existing for Gardiner amongst the crowd of spectators, however, the judge deemed it prudent to order the Court to be cleared before he was removed from the dock, and it was only when the spectators had left the building that the officers proceeded to take the prisoner away.

The fact that Gardiner had been acquitted after a three days' trial was flashed along the wires to all parts of the country, and great was the astonishment thereat. The newspapers in all the colonies made the circumstance a text upon which to moralise, and never before were the evils of criminal hero-worship more fiercely denounced. Gardiner's exploits had furnished a popular history which was the common property of man, woman, and child in every nook and cranny of the colonies. He had taken loaded gold boxes from an armed escort by hundredweights at a time. He had bailed up travellers by the score; he had attempted to shoot down the police like dogs. He had terrorized a country side, and given the officers of justice, when in his wake (and they were, always unfortunately, in his wake) the character and appearance of "Guys." He had cost the country thousands of pounds in horse-flesh, accoutrements, and rations for his pursuers. Large rewards had been offered for him alive or dead. Troops of men had been branded as cowards, and brave and gentlemanly officers had been cashiered because he remained still at large. Every man who had seen him without taking him was deemed an accomplice. Such was the number, and the desperate and deeply-dyed character of crimes committed by him





TRIAL OF GARDINER AT DARLINGHURST

MR. JAMES MARTIN

MR. W. B. DALLEY



during a period of many months, that every honest and peaceful subject of her Majesty in the colony mixed it up with his daily prayers that the marauder, the depredator, the murderer in intent if not in fact, might soon be taken, and the country be at peace. He was the Beelzebub of the bush—a modern Cacus—the prince of robber-devils; and because no term could be found extreme enough to describe the system he had adopted—because of the seeming charm which surrounded the mystery of his deeds—his very name became typical, and the strategies he devised were distinguished by the name of Gardinerism. In a fortunate moment, however, an intelligent and daring officer obtains a clue to his distant retreat, journeys to the spot, makes him a prisoner, and safely deposits him in the metropolitan gaol. The man he has shot stands before him in the witness box, confronts him, and identifies him; yet the charge on which he is tried cannot be sustained, and Gardiner is acquitted! What wonder, I say, that the people should be indignant? Whatever the causes contributing, the result was most disappointing to all but the personal friends of the prisoner and those who looked upon him as the hero of the century, a veritable Australian Dick Turpin.

For two months Gardiner had a further opportunity for calm reflection within the walls of Darlinghurst; at the expiration of that time he was again placed in the dock. The Chief Justice presided on this occasion, and the prisoner was arraigned on the double charge of robbing Messrs. Horsington and Hewitt, while under arms. To the astonishment of everyone he pleaded guilty to each offence, doubtless under the advice of his counsel.

He was then charged with having on 10th July, 1861, feloniously wounded William Hosie with intent thereby to kill and murder him, and a second count in the indictment charged him with wounding Hosie with intent to do grievous bodily harm. It will be remembered that this count was not included in the first indictment, which was one of wounding with intent to kill, no alternative between an acquittal or a conviction on that single count being open to the jury. On this occasion he pleaded not guilty, and he was defended by Mr. Isaacs and Mr. Dalley, than whom two more able barristers did not exist in the colony. The witnesses called to prove the case against him were Middleton and Hosie, Mr. Beardmore, and Drs. Rowlands and Taylor, their evidence being merely a re-iteration of that given at the former trial. But the Crown sought to make more plain on this occasion that the two troopers were well within their rights in going to Fogg's house to arrest Gardiner. Constable Paget, of Goulburn, gave evidence of the prisoner's conviction at that place on two charges of horse stealing in 1854, and his imprisonment. Evidence was also given of his release from the penal settlement on ticket-of-leave, and the subsequent cancellation of that ticket, John Budd, clerk of the Executive Council, proving the authenticity of the Governor's signature attached to the cancellation.

No witnesses were called for the defence, but Mr Isaacs made a powerful appeal to the jury to acquit. After his Honour the Chief Justice had summed up the jury retired, and after an absence of three-quarters of an hour returned into Court saying that they had agreed to find the prisoner guilty on the second count

—wounding with intent to do grievous bodily harm. It afterwards transpired that five of the jurymen were for finding him guilty on the capital charge, while one was for acquitting him on both charges.

On being asked if he had anything to say why sentence should not be passed, Gardiner handed in the following written statement, which was read to the Court:—



WILLIAM BEDE DALLEY.



SIR HENRY PARKES.

To his Honor the Judge.

Your Honor,—I do not address you with the desire to impress upon your mind my innocence of the charge to which I have pleaded guilty, but my wish is to point out the untruths in the evidence on the part of the witnesses. In the first place, they all distinctly assert that there were four in number, whereas there were five; they also state that three stuck up the cart containing Mr. Horsington, his wife, and boy, and that I alone went to Mr. Hewitt; now it is just the opposite—I went to the cart, the four to Mr. Hewitt. Again, they state that Mr. Hewitt was thirty yards in the rear of the cart, whereas, on the contrary, he was thirty yards in advance of the cart. Again, it was I who told them to bail up, using no other words nor threats, and at the same time Mr. Hewitt received a similar order from the four men.

While I was directing Mr. Horsington where to turn off into the bush, a shot went off from one of the four men, caused through the restlessness of his horse. I at the time was within two or three yards of Mr. Horsington and his wife. I immediately turned round and asked, "Who fired that shot?" M'Guinness made answer, "I did, but it was purely accidental;" upon which I replied, that as soon as he had received his share of the spoil he should leave the party, which he did that night. The man M'Guinness, who was thirty yards away from me amongst the rest of the party, distinctly heard my question as to who fired; I also heard his reply; and yet Mr. Horsington, his wife, and boy, who were only a yard or so from me, positively swear that they heard nothing of this conversation. Again, on a former occasion, Mr. Horsington, his wife, the boy, and Mr. Hewitt, positively swear as to the identity of the man Downey, as to his being of the party; now, I sincerely and solemnly assert that this man was not of my party on this or any other occasion. While Downey was in custody for the alleged offence I wrote to the "Burrangong Miner," acknowledging that I was the man, and that he was perfectly innocent. Again, Mr. Horsington, and his party assert that the robbery took place on the 10th of March, while it really did not take place until some five or six weeks afterwards; so that if I had been inclined to stand my trial I might have been enabled to prove an alibi.

This, as your Honor will see, is not written with a view to escape punishment, for, on the contrary, it criminales myself; but as there are only two left of the party—myself and another man, who is at present undergoing a sentence of fifteen years—I feel that in writing this I am injuring no one except myself; and my only desire has been to point out the inconsistency of the evidence on the part of the various witnesses, so that, had I not pleaded guilty to this charge, I might probably have escaped; so contradictory is their evidence, that a verdict in my favour might have been the result.

If I may be permitted, in praying for a merciful consideration of my case, I beg to say that it is not alone on the above grounds that I do so, for during the last two years I have seen the error of my ways, and have endeavoured, with God's assistance, to lead an honest and upright life, for I have even during this time had temptations (and those great ones), for I was on one occasion entrusted for some time with the first escort of gold that arrived from the Peak Downs, consisting of 700 ounces; again, Mr. Manton, whom I beg to refer to, a gentleman connected with the copper mines, entrusted to my care 264 ounces of gold; and, lastly, Mr. Veale did the same with 206 ounces;—yet the honest resolutions I had formed were sufficiently strong to prevent me doing a dis-

honest action on either of these opportunities. And I do trust that your Honor will do me the justice to believe that these were not isolated cases, or that I would have ever again fallen into those practices which I have felt for a long time past in my breast to be a sin against God and man.

And now, your Honor, as we must all on the last and great day of judgment throw ourselves on the mercy of the great Judge of all our actions, so do I now throw myself upon your mercy as my earthly judge, and pray for a lenient and merciful consideration in my case.

I am, your Honor, your humble servant,  
FRANCIS CHRISTIE.

The Chief Justice then pronounced his sentence: For the offence of which he had just been found guilty, to be kept to hard labour on the roads or other public works of the colony for fifteen years, the first two years in irons; for the armed robbery of Horsington (to which he had pleaded guilty) to ten years' hard labour, to commence at the expiration of the fifteen years; and for the robbery of Hewitt (to which he had also pleaded guilty) to seven years' hard labour, the seven years to commence at the expiration of the ten—in all, thirty-two years.

It was a heavy sentence, and as the prisoner heard it fall from the judge's lips he must have wondered whether he would live to see the end of it. But Gardiner was not of a despondent nature. He had been in prison more than once before, and had gained his liberty on each occasion before his sentence had been half completed—once by giving his custodians "leg bail," and then by means of a ticket-of-leave. The experience of the past favoured hope, and Gardiner was hopeful where many a man would have been despairing. That his confidence and hope were not misplaced was fully proved by after events. The good fortune which had attended him all through his remarkable

career—so pleasantly exemplified in a hundred different ways: his escape from Pentridge; the abandonment of the search for him by the Victorian authorities; the ease with which he obtained his ticket-of-leave from Cockatoo, and bail from the Burrangong magistrates; his escape from death under Middleton's fire, and from custody under Hosie's handcuffs; the refusal of Sir Frederick Pottinger's gun to go off when the muzzle was within a few inches of his breast; the inability of the police to trace or capture him; the disinclination of the Attorney-General to indict him for the escort robbery; the refusal of the Sydney jury to convict him of shooting at Middleton—the "good fortune" which had thus so effectively displayed itself in his behalf was not going to be separated from him by the shutting of such ordinary things as the gates of Darlinghurst! It had been made evident that he was not born to be hanged, or shot. It was to be made evident that he was not born to beat the bars of a prison in despair. And it only now remains for me to narrate, as briefly as possible, the circumstances leading up to his release from the life-long imprisonment.

#### GARDINER'S RELEASE AND FINAL DISAPPEARANCE.

It would not interest the reader to learn what were the daily tasks and recreations of Gardiner—he had both—while wearing the prison garb. For a certain time and in a certain way he was simply a prisoner among prisoners; but he had this advantage over many of his fellows within the walls—he had been there before, and understood how to earn for himself those little indulgences which relieve the monotony of



prison life and rendered confinement pleasant. From the first he sought, and not in vain, to ingratiate himself with his custodians. If a good example were needed in a certain direction, Gardiner was the man to set it; if a well-executed "job" were desired Gardiner was the man to do it; and ready obedience, cheerful



MR. HARGRAVE, ATTORNEY-GENERAL.

alacrity, persistent efforts to please, within prison walls and without, invariably meet with their reward.

Eight years of the thirty-two passed away, and then friends outside began again to exert themselves in his behalf—this time openly and in legal fashion. They set about their work with a determination to succeed, a fixed resolution to bear down opposition from

whatever quarter it might rise up to meet them. It was to be expected that they should, with such a work in hand, make sure of their ground before commencing operations, and do first the thing that ought to be first done. And their care in arranging and energy in prosecuting that work met with its reward. Importunate prayers, urged amidst falling tears by enchanting women before impressionable officials—particularly impressionable under such influences—met with a full measure of success. Gardiner was released, though not at the time nor exactly under the conditions for which his influential friends and relatives pleaded.

The principal actors in the affair—principal, at least, so far as the general public were permitted to know at the time—were the prisoner's two married sisters, who resided with their husbands in Sydney. There were others engaged behind the scenes, hatching inspirations and pulling the strings.

The first step taken was the preparation of a petition for presentation to the newly-arrived Governor, Sir Hercules Robinson, by the two sisters. That step was an easy and effective one, based as it was upon the strong natural affection of loving sisters for an erring brother. The petition was as strong as it could well be made, and after briefly reciting the offences of which Gardiner had been convicted and the sentences passed upon him ran as follows:—

Your petitioners humbly implore your Excellency's merciful considerations of their unfortunate brother's case, towards affording a remission of his terrible sentence, on the following grounds:

1. Previous to his apprehension he was obtaining his living as a storekeeper in Queensland for nearly two years, having abandoned his former career of wickedness, and had

left the colony fully determined to lead a life of honest industry; proofs of the good character he had gained could have been produced at his trial; and it is well known that gold, both by escort and by private individuals, has been placed under his care with confidence and safety during that time.

2. That only four months after his conviction there was a desperate outbreak of prisoners in the gaol, in which he



GARDINER OUT OF GAOL AGAIN.

took no part whatever; his conduct on that occasion was so noticed by the Inspector-General of Police that he assured the prisoner that he would see the Colonial Secretary, Mr. Forster, and have a record of it made for the future benefit of the prisoner; to this record your petitioners would humbly refer your Excellency, the late Dr. West having told the prisoner that it had been made.

3. That the prisoner has assiduously endeavoured to make himself as useful as possible in the work appointed for

him, and has invented a contrivance which has greatly improved the making of the selvedge on the matting, which was previously very defective and much complained of.

4. That the prisoner has always given every satisfaction to the Sheriff as well as to the Governor of the gaol, and other officers and overseers during the whole time, now the ninth year of his imprisonment.

5. That your petitioners beg also humbly to direct your Excellency's attention to the fact, that his Honor the Chief Justice has more than once publicly remarked that, although during the time there was so much bushranging he should always inflict the severest penalty of the law, nevertheless, we might perhaps be permitted respectfully to suggest that your Excellency would not be unwilling to exercise your prerogative of mercy now the crime of bushranging has been happily and effectually suppressed.

6. That the prisoner's health has already suffered so much from his long confinement as to cause him to be almost constantly under the hands of the doctor for disease of the heart and other serious symptoms, which have obliged him for a time to be placed in the hospital of the gaol, and have totally incapacitated him from continuous work.

Lastly. That your petitioners feel certain that if your Excellency be pleased to grant him a pardon, he will thus be afforded an opportunity of redeeming the past; and from your petitioners' knowledge of his character they can confidently assure your Excellency that they believe he will never again commit himself; and from the very confident and feeling manner in which his Honor Sir Alfred Stephen has on many occasions addressed himself to petitioners' brother, and remarked upon his reformation, they hope that he will recommend the prayer of this petition to the most favourable consideration of your Excellency.

Praying the Lord may guide to a wise and judicious conclusion in disposing of this petition, your Excellency's petitioners as in duty bound, will ever pray, &c.

The petition was not presented till support had been obtained for it in the shape of official recommendations and favourable reports, and supplementary petitions outside the family circle. In obtaining these the two sisters spent not a little time. When the document fell into the Governor's hands, therefore, it was buttressed by the most powerful recommendations procurable. That famous barrister, and then active

legislator, William Bede Dalley, whose name now has a place among the renowned dead of the motherland in Westminster Abbey, was among its backers, and the number of signatures amounted at last to nearly five hundred.

But there was one recommendation which in point of value must have put all other recommendations in the shade. It was signed by no less a personage than the then Colonial Secretary, Mr. William Forster, and ran as follows:—

Having been referred to in a petition for the mitigation of the sentence of Francis Christie, as holding the office of Colonial Secretary when an outbreak occurred in Darlinghurst Gaol, I have much pleasure in testifying to the fact of Christie's good conduct on that occasion, as well as to his general conduct during the entire period of his incarceration, so far as it came under my notice in either case. I am glad to record this opinion so that it may operate as it ought in the prisoner's favour. And so far as these and other circumstances mentioned in the petition entitle his case to favourable consideration of the Government, I am willing to add my testimony and recommendation.

Then came a report from a medical gentleman, Dr. Moffitt, who evidently possessed the rare gift of diagnosing moral complaints as well as physical, and pronouncing upon their several stages. He reported as follows:—"For about fourteen years I have been medical attendant on the family of Francis Christie, and have frequently visited him since his confinement in Darlinghurst, and during my last three visits I was glad to observe that he was greatly changed for the better, having entirely lost that peculiar ferocity of character which characterised him immediately after his capture in 1864; and it is my opinion that he is now completely recovered from his evil ways, and that it would be perfectly safe to permit him to go at large."

It will be observed that the worthy physician omitted to say anything concerning the prisoner's physical health, a rather remarkable circumstance, seeing that one of the grounds upon which the sisters urged his release was that he was suffering from heart disease.

When the petition came into the hands of his Excellency's responsible advisers, the Colonial Secretary (the late Sir Henry Parkes) referred it to the sheriff and gaoler for report.

The Sheriff, in returning it, wrote the following minute:—

FRANCIS CHRISTIE, ALIAS CLARKE, ALIAS  
GARDINER.

In returning the petition in this case with the usual particulars of conviction, I have thought it desirable to accompany the same with a special report from the principal gaoler (herewith enclosed) upon the conduct and services, together with a report from the visiting surgeon respecting the health of the prisoner.

Having regard to the prominence of prisoner's career, the circumstances attending the offences of which he was convicted, and the great length of his sentence (thirty-two years), the dealing with this case is of unusual importance in respect of its bearings upon those of numerous other prisoners serving long sentences for offences of a similar character imposed during the prevalence of bushranging, who will form expectations or modify their hopes of commutation according to the decision that may be arrived at.

There is in the minds of those prisoners an expectation, founded partly upon the remarks of the Judges when passing sentences, and partly upon the action of the Government in reductions made in some of the sentences referred to, that such sentences are not intended to be served in full or even up to the periods of remission provided by the regulations. And if this view is to be entertained, it is desirable that the subject should be considered, and this and the other cases alluded to dealt with under a general idea of reduction of term of sentence, modified in each case by the circumstances and the prison career of the prisoner; the greater proportionate reduction being allowed in the longer sentences according to the principle laid down in the remission regulations.

It probably was never contemplated that this prisoner should serve the full period of his sentence, and as he has now served eight years, and the crime of bushranging has been practically abated, the time for making any limitation would not seem to be unfavourable. This remark applies to the other cases in the same category. Such a course would tend to settle the minds of the prisoners concerned, and give them encouragement in reformation of conduct and industry.

In the cases of the prisoners referred to, the granting of conditional pardons (to exile) would in many respects be more desirable than the granting of actual remissions, and



SIR ALFRED STEPHEN.

would admit of cases being dealt with at earlier periods, and without so apparent an interference with the ordinary operation of the remission regulations. The release of a prisoner under a conditional pardon is not open, as regards its effects on the criminal class, to so strong objections as his release in this colony wherein he might return to his former neighbourhood.

If any reduction be made in the sentence of this or any other similarly situated prisoner, I would suggest that it be made so that he could earn remission according to the regu-

lations upon the reduced period, in order not to withdraw the incitement to good conduct and industry; thus, were his sentence reduced to twenty or fifteen years, that he could earn a further reduction of one-fourth. A conditional pardon granted after a service of ten years would be about equivalent to the reduction of a sentence to fifteen years on the terms above mentioned. The advantage to the prisoner, indeed, would generally be with the latter.

September 12, 1872.

HAROLD MACLEAN.

It was next sent forward for report to his Honour the Chief Justice, who had passed the sentences upon the prisoner. And this is what the Chief Justice said about it:—

The Chief Justice to the Colonial Secretary,  
Supreme Court, 30th November, 1872.

Sir,—I have attentively read and maturely considered all the petitions in Gardiner's favour, with the recommendations attached to them; as also the reports of the head gaoler and surgeon, and the very judicious remarks of the Sheriff in his capacity of Inspector of Prisons. I have seen one or both of prisoner's sisters, who are the principal petitioners, and the persons to whom he is indebted for the numerous signatures which are before me. I have also more than once, although not of late, seen Gardiner, and personally received representations from him. And I feel deep sympathy for those affectionate relatives, who are, I believe, respectable members of society. I moreover think it probable that Gardiner's desire to abstain from evil is sincere, and perhaps may be permanent. But remembering what I do of his career, what his past character and his crimes have been, and the notoriety which these have acquired, as well as the widely spread mischief which his leadership and tutoring for so many years occasioned, I dare not incur the responsibility of advising any mitigation in his case. I do not mean that none should at any time be granted, but the end and object of all punishments are, first, the preventing of the individual, and secondly, the deterring of other individuals, from the committing of similar crimes. And I am satisfied from long experience and observation, that the particular crime of bush-ranging, with its frightful loss of life and property, and the insecurity of both which it entailed, with its attendant terrorism, has been reduced to its present dimensions and state solely by the rigorously severe punishments (in which I include the deaths of some of the criminals by the police as



well as by the Courts of Justice) inflicted upon the perpetrators. In several instances, no doubt, the penal servitude punishments have been mitigated, as the crime itself has gradually diminished in frequency. But I am compelled by a sense of duty, in this case peculiarly irksome, to point out, that of Gardiner's companions two or three have been executed for crimes in which he participated; that for the shooting both of Constable Hosie and Sergeant Middleton, he himself narrowly (and most unrighteously) escaped a capital conviction; and that of the thirty-two years to which he was justly sentenced, he has as yet barely endured one-fourth.

I am, etc.,

ALFRED STEPHEN.



RICHARD DRIVER.



WILLIAM FORSTER.

Four days after, the petition with all its attachments was sent on to the Governor by the Colonial Secretary, who specially directed his Excellency's attention to the signatures of prominent public men, notably those of Messrs. Dalley, Driver, Hill, Eckford (members of Parliament), and also to the minute of the former Colonial Secretary, Mr. W. Forster. The petition duly reached the Governor's hands, and his Excellency returned an answer next day in words few but pointed. "When the prisoner has served ten

years," he wrote, "his case may again be brought forward. If his conduct should in the meantime be good, I should feel disposed to grant him then a pardon, conditionally on his leaving the country. At present I do not concur with the petitioners that the sentence which the prisoner has undergone is sufficient for the ends of justice."

An ineffectual attempt was made early in 1874 to obtain an unconditional pardon; then suddenly the news of the bushranger's release was sprung upon the public—for hitherto the negotiations had been known only to the chief authorities, the prisoner, and the prisoner's relatives. The news came through the press reports of proceedings in Parliament. Three months more of the ten years of imprisonment which the Governor had fixed as the limit of Gardiner's punishment only had to run when an inquisitive member of the Legislative Assembly asked the Colonial Secretary if it was true that the Government intended to release the prisoner before the expiration of the sentence passed upon him; and if so, when was that intention to be carried into effect? The question was asked on April 29th, 1874. The answer was given at once; Mr. Parkes produced and read petitions, recommendations and reports, some of which I have already given, and stated that the termination of the ten years would be about the 6th July following.

Then arose a storm as fierce and long-continued as any that had burst over the political world of New South Wales since the establishment of Responsible Government. From both sides of the House the action of the Government in assenting to the release

of this notorious bushranger was denounced as an outrage, a foolish and injudicious interference with the proper course of justice, an exhibition of weak-mindedness and disregard of the people's welfare that admitted of no excuse.

Mr. Parkes laid great stress upon the fact that his predecessor in office—Mr. Forster—had attached a minute to the petition of two years previously, which he contended was a recommendation that the prayer of the petition should be granted. From the front Opposition benches Mr. Forster vigorously denounced this interpretation, pointing out that he had simply placed on record his endorsement of the statement made by the petitioners that Gardiner's conduct since his imprisonment had been exemplary, being careful not to give an opinion that it was right to liberate the man. And certainly it would not be right, he contended, to liberate him under the conditions of exile stated, unless the Government could obtain a bond from others that he would not return. Night after night the Opposition harassed the Government by putting questions and moving motions, and for the time being every other question sank into insignificance.

Meanwhile the time for Gardiner's liberation was rapidly approaching, and the Assembly waited with not a few signs of impatience for the production of promised papers relating to the other prisoners who were to receive conditional pardons with Gardiner. The return asked for came at last. As it records the exploits of several bushrangers whose stories appear elsewhere, I give it in the form in which it was laid before Parliament.

RETURN OF PRISONERS PROPOSED FOR EXILE  
OR LIBERATION.

William Brookman, for wounding with intent to murder; convicted 16th January, 1868; term of sentence, death, commuted to 15 years' roads; period served 6 1-3 years; previous convictions, none known. Recommendation of the Sheriff—May be allowed conditional pardon after 13th April, 1874; question of liberation in colony to be postponed. Decision of his Excellency—Approved; H.R., 1st October, 1873.

Samuel Clarke, for robbery, being armed, and horse stealing; convicted, 18th April, 1866; term of sentence, 15 years' roads; period served, 8 1-12 years; previous convictions, none known. Recommendation of Sheriff—May be allowed a conditional pardon; failing means, to be brought forward for consideration for liberation in January, 1875. Decision of his Excellency—Approved: H.R., 1st October, 1873.

Daniel Shea, for robbery, being armed; conviction, 6th November, 1860; term of sentence, 15 years' roads, first 2 in irons; period served, 8½ years; previous convictions, stealing 2 years. Recommendation of the Sheriff—May be allowed a conditional pardon. Decision of his Excellency—Approved; H.R., October 1st, 1873.

William Willis, alias Dunkley, for robbery, being armed, three charges; convicted 16th May, 1866; term of sentence, 15 years' roads; period served, 8 years; previous convictions, stealing (3)—9 months, 18 months, 6 months. Recommendation of the Sheriff—May be allowed a conditional pardon. Decision of his Excellency—Approved; H.R., October 1, 1873.

Alexander Fordyce, for robbery and wounding; convicted 23rd February, 1863; term of sentence, death; commuted to life, first 3 years in irons; period served, 11½ years; previous convictions, none. Recommendation of the Sheriff—May be allowed a conditional pardon now; failing taking advantage, case to be brought forward commencement of June, 1874. Decision of his Excellency—Approved; H.R., October 1, 1873.

John Payne, for robbery under arms, two charges; convicted 14th January, 1868; term of sentence, 20 years, two of 10 years each, second sentence remitted by his Excellency; period served, 6½ years; previous convictions, none. Recommendation of the Sheriff—May be allowed a conditional pardon after service of 7 years. Decision of his Excellency—Approved; H.R., 1st October, 1873.

James Jones, for robbery under arms; convicted 31st March, 1864; term of sentence, 15 years, first 3 in irons; period

served, 10 1-12 years; previous convictions, none. Recommendation of the Sheriff—May be allowed a conditional pardon after service of 10 years. Decision of his Excellency—Approved; H.R., 1st October, 1873.

Robert Cotterell, alias Blue Cap, for robbery, being armed; convicted 20th April, 1868; term of sentence, 10 years on roads; period served, 6 1-12 years, previous convictions, none. Recommendation of the Sheriff—Not a case for liberation; may be allowed a conditional pardon. Decision of his Excellency—Approved; H.R., 1st October, 1873.

James Boyd, alias M'Grath, for robbery, being armed; convicted 24th February, 1864; term of sentence, 10 years on roads; period served, 9½ years; previous conviction, horse stealing, 5 years on roads. Recommendation of the Sheriff—May be allowed a conditional pardon. Decision of his Excellency—Approved; H.R., October 1, 1873.

Thomas Cunningham, alias Smith, for robbery under arms; convicted 9th April, 1867; term of sentence, 15 years' roads; period served 7 1-12 years; previous convictions, none known. Recommendation of the Sheriff—May be allowed a conditional pardon; failing to avail, case to be brought forward for liberation in January, 1876. Decision of his Excellency—Approved, H.R., October 1, 1873.

Charles Hugh Gough, alias Windham, alias Bennett, for robbery under arms; convicted 9th April, 1867; term of sentence, 15 years' roads; period served, 7 1-12 years; previous conviction, assault with intent to rob, 3 years. Recommendation of the Sheriff—To be allowed conditional pardon; failing to avail, case to be brought forward for liberation in January, 1876. Decision of his Excellency—Approved, H.R., October 1, 1873.

Thomas Dargue, for robbery, being armed, convicted 28th March, 1867; term of sentence, 10 years' roads (first year in irons); period served, 7 1-6 years; previous convictions, none known. Recommendation of the Sheriff—May be allowed a conditional pardon, case for liberation to be brought forward in September, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

Henry Dargue, for robbery, being armed; convicted 28th March, 1867; term of sentence, 10 years' roads; period served, 7 1-6 years; previous convictions, none known. Recommendation of the Sheriff—May be allowed conditional pardon; case for liberation to be brought forward in September, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

John Kelly, for robbery, being armed; convicted 11th March, 1867; term of sentence, 14 years (first 2 in irons);

period served, 7 1-6 years; previous convictions, embezzlement, 2 years. Recommendation of the Sheriff—May be allowed conditional pardon; case may be brought forward for liberation in May, 1875. Decision of his Excellency—Approved; H.R., September 1, 1873.

James Smith, robbery, being armed; convicted 15th April, 1867; term of sentence, 17 years' roads; period served, 7 1-12 years; previous convictions, horse-stealing (2 charges), 3 years' road. Recommendation of the Sheriff—Case to be brought forward for consideration as to conditional pardon in May, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

John Foran, robbery, being armed, three charges; convicted 18th October, 1867; term of sentence, 15 years' roads; period served, 6 7-12 years; previous convictions, none known. Recommendation of the Sheriff—May be brought forward for conditional pardon in January, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

Edward Kelly, for robbery with arms; convicted, 14th January, 1868; term of sentence, 15 years' roads; period served, 6 1-3 years; previous convictions, none known. Recommendation of the Sheriff—Case for conditional pardon. May be brought forward in April, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

John Williams, for wounding with intent to murder; convicted 14th January, 1868; term of sentence, death, commuted to 15 years' roads; period served, 6 1-3 years; previous convictions, none known. Recommendation of the Sheriff—May be brought forward for consideration as to conditional pardon in April, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

William H. Simmons, for robbery, being armed; convicted 6th April, 1868; term of sentence, 15 years' roads; period served, 6 1-12 years; previous convictions, larceny (2 charges), 10 years' roads. Recommendation of the Sheriff—May be brought forward for conditional pardon in April, 1874. Decision of his Excellency—Approved; H.R., September 1, 1873.

William Taverner, for robbery, being armed; convicted 5th April, 1867; term of sentence, 10 years' roads, commuted to 8 years; period served, 5 1-12; previous convictions, none known. Recommendation of the Sheriff—May be allowed conditional pardon; case for liberation to be brought forward in April, 1875. Decision of his Excellency—Approved; H.R., September 1, 1873.

Daniel Taylor, for robbery, being armed, and horse stealing; convicted 24th October, 1865; term of sentence, 15

years' road; period served, 8 1-12 years; previous convictions, none known. Recommendation of the Sheriff—May be allowed conditional pardon; case for liberation to be brought forward in January, 1875. Decision of his Excellency—Approved; H. R., September 1, 1873.

John Bollard, for assault, with intent to rob, being armed; convicted 19th October, 1869; term of sentence, 10 years' roads; period served, 4 7-12 years; previous convictions, none known. Recommendation of the Sheriff—May be brought forward for conditional pardon in October, 1874. Decision of his Excellency—Approved; H. R., September 1, 1873.

Francis Christie, alias Clarke, alias Gardiner, for wounding, with intent to do grievous bodily harm, and highway robbery; convicted 8th July, 1864; term of sentence, 32 years' roads, first 2 in irons; period served, 10 years; previous convictions, horse stealing, 14 years. Recommendation of the Sheriff—(Full reports, minutes, &c., in this case already laid before Parliament).

John Bow, for robbery and wounding; convicted 26th February, 1863; term of sentence, death, commuted to life on roads, first 3 years in irons; period served, 11½ years; previous convictions, none. Recommendation of the Sheriff—May be allowed a conditional pardon now (in August, 1873); failing to take advantage thereof, case for liberation in the colony to be brought forward in June, 1874. Decision of his Excellency—I approve the Sheriff's recommendation in this case; H. R., 19th August, 1873.

Undoubtedly, the majority of the bushrangers named owed their release to the determination of the authorities to open the prison doors for Gardiner. It would not look well to release such a notorious offender—and it had been ordained that by hook or by crook he should be set free—without releasing others who had been guilty of similar offences. Needless to say, the prisoners concerned were not slow to avail themselves of the advantage held out to them.

A word or two concerning the conditions of exile. They at least were not formed for the occasion, but were a relic of the former convict-prison days. An Act of Parliament, passed in 1847 (No. 34, 11 Vic.),

provided in the 4th Clause as follows:—"And be it enacted that it shall be lawful for the Governor, or officer administering the Government, to grant to any prisoner under any sentence or order for transportation, or of hard labour, who shall have served on the roads or other public works of the colony for not less than two years in any case, a remission of the remainder of the term for which he shall have been so sentenced, or ordered for transportation, or hard labour, on condition that he shall not remain in or come within the colony during the residue of his said term; and it shall be lawful for the said Governor to make such rules or regulations as he shall think fit for the mitigation or remission, conditional or otherwise, of any sentence or order for punishment under this Act, as an incentive to reward for good conduct, whilst the offender shall be serving under such sentence or order, and to mitigate or remit the term of punishment accordingly."

It will be observed that this clause was not mandatory, but only permissive, and it left the Governor (who then possessed almost absolute powers) to exercise his discretion. The Governor was at liberty to allow any prisoner to depart after two years of punishment, no matter what might be the length of his sentence, the only condition being that he should not return to the colony until his term of punishment had expired. Such return, however, could not be treated as a new offence, and the only punishment for it was imprisonment for the balance of the unexpired term. As the clause stood, exile merely from the colony was required; but the regulations under it required exile from all the colonies and New Zealand. In the earlier days expatriation was in itself a punishment, but as



settlements grew up in the neighbourhood of the colonies, it became much less distasteful to prisoners. Obtaining his freedom under this Act, Gardiner would not be required to go farther afield than New Caledonia or Fiji, where he would be within a week's voyage of the powerful friends who had agitated so strongly for his release.

The production of the papers relating to the release of the twenty-four prisoners was the signal for the resumption of angry debate in the House. It was an anxious time for the Parkes Ministry, for as the debate proceeded they became aware of the fact that many of their supporters were undecided as to their vote. When heads were counted it was found that if all those who had spoken against the proposed release also voted against it, there would be a majority against the Government; and as a last resource the Government raised the cry that the motion was intended to oust them from office. This trick was only just successful: when the division was taken, it was found that the members were equal, there being twenty-six for and twenty-six against. For a time there was a scene of the wildest excitement, the climax of which was reached when the Speaker gave his casting vote with the Government, and thus defeated the motion.

But the agitation was still kept up outside the House. Public meetings were held in every important centre, at which condemnatory resolutions were passed, and petitions against the release were signed; and every prominent man in those centres either made a speech or in some other way gave evidence of his opposition to the action of the Governor and his advisers. Petitions to the House and to the Governor

were prepared and carried at those meetings without dissent, and no movement since that for the cessation of transportation to the colony had taken such a firm hold of the public mind. The character of the petitions did not vary, and the following, which was passed at a public meeting held at Bathurst on the evening of June 2nd, 1874, will serve to show how deeply public feeling had been stirred:—

TO THE HONORABLE THE LEGISLATIVE  
ASSEMBLY OF NEW SOUTH WALES.

The petition of the undersigned—Francis Halliday, Mayor of the city of Bathurst—(signed on behalf of a public meeting of the citizens of the said city and residents in the district of Bathurst), respectfully sheweth:—

1. That your petitioners regard with feelings of astonishment and apprehension the proposed action of his Excellency the Governor in liberating a number of prisoners of the Crown now undergoing sentences for robbery under arms and other like offences against life and property.

2. That your petitioners have but recently emerged from a period of terrorism, in consequence of the raids of bushrangers upon their property, and the assaults of armed robbers upon peaceful travellers by public conveyances, whereby many valuable lives have been sacrificed to the brutality of an armed banditti, by whom law and order have been set at defiance.

3. That your petitioners believe such a state of disorder and lawlessness will be revived by the simultaneous release of a number of prisoners who have served but a minor portion of the time to which they were sentenced, if the ill-advised clemency of his Excellency the Governor is carried into effect with regard to the liberation of the prisoners before mentioned.

4. That your petitioners are strengthened in the belief by the fact that many released prisoners have already returned to their evil courses, and that bushranging and mail robberies are now becoming of very frequent occurrence, and in many, even in most, instances may be traced to old offenders, who have been set free after serving a moiety of their sentences.

5. Your petitioners strongly deprecate a policy of pseudo-sympathy in their cases, and would respectfully urge upon the members of your honorable House their individual responsibility as representatives and protectors of the people

whose lives and prosperity are now jeopardised; and your petitioners desire that your honorable House will use such constitutional and lawful means as it may be in your power and authority to employ in order to prevent—or, at least, protest against—a release of Crown prisoners, which they cannot but regard as a public calamity, and as tending to the commencement of a new era of demoralisation and crime.



SIR HERCULES ROBINSON.

It was all so much useless expenditure of strength, however. The Governor had given his promise, and the promise must be kept. At the last meeting of the Executive Council before the prorogation, his Excellency laid before the members six petitions and memorials which had been sent to him and forwarded a minute setting forth his views on the subject. As that

minute really formed the Governor's defence, it is necessary in justice to him that I should give it in full. It reads thus:—

MINUTE OF HIS EXCELLENCY SIR HERCULES  
ROBINSON AND PROCEEDINGS OF THE  
EXECUTIVE COUNCIL, WITH RESPECT TO  
THE RELEASE OF THE PRISONER GARDINER.

I have to lay before the Executive Council six petitions and memorials which have been addressed to me with regard to the proposed mitigation of Gardiner's sentence. These representations, viewed in connection with the public discussions which have recently taken place on the same subject, have led me carefully to consider whether any fresh facts have been brought to light which would justify me in disappointing now the expectations which I raised when this prisoner's case was first submitted to me—about eighteen months ago.

It is true that no positive compact was then made with the prisoner, or any decision given in the nature of an absolute remission, which would of course have been irrevocable; but it is beyond question that a hope was held out to him by my minute of the 5th December, 1872, that if he continued to conduct himself well he would in all probability be allowed a pardon, conditional on his leaving the country so soon as he had served ten years of this sentence.

I think that this may fairly be held as being tantamount to a promise contingent alone on the prisoner's good conduct in gaol; and that it was so viewed by myself at the time, and by the Honorable the Colonial Secretary subsequently, is apparent from my minute of the 7th December, 1872, in which I stated, "I have already decided to grant a conditional pardon at the termination of ten years' imprisonment," and from the Colonial Secretary's minute of the 24th April last, in which, when submitting to me a petition for Gardiner's release, he observes, "the prisoner has been authorised a conditional pardon, the condition being exile." The sheriff, too, obviously viewed the matter in precisely the same light, and referred in his letter of the 21st January, 1873, and in his minute of the 20th April, 1874, to Gardiner's case as one that had been practically decided and disposed of.

I may mention that it has been the practice here for many years for the Governor, when dealing with applications for mitigation which have appeared premature, to fix a date at which the case might again be brought under his con-

sideration. Hopes so held out have always been regarded by the prison authorities, and by the prisoners themselves, as equivalent to promises of pardon, conditional on good conduct; and in every such case the expectation so raised has been, I believe, scrupulously fulfilled. I remember one case in which Sir Alfred Stephen, as Administrator of the Government, intimated to one of the most prominent and daring of the bushrangers that his case might again be brought forward for consideration as soon as he had served seven out of the nineteen years to which he had been sentenced. The papers came before me at the time specified, and, as the case appeared to me a bad one, I declined to sanction any greater remission than that contemplated under the general regulations for bushranging cases, unless Sir Alfred Stephen's intimation was held to be a promise. I was informed by the Sheriff that this was unquestionably the view in which the decision had been looked on in the gaol, and I accordingly authorised the prisoner's discharge on a conditional pardon four years before the date at which he would have been eligible for exile under the special mitigation regulations laid down for such cases.

Of course I am aware that, under certain circumstances, it might be wise and proper to withhold the fulfilment of such promises, whether positive or implied. For example, a promise given under false representations would not be binding: and a promise to release a prisoner which it was subsequently found would, if carried out, imperil the public safety, should be cancelled. The practical question for consideration in the present case is, therefore, simply this: Are there any such grounds which would justify me in now withholding the conditional pardon which nearly two years ago I led Gardiner and his friends to expect that he might receive about this time?

I have seen it urged that Gardiner's case was decided upon false representations, it being alleged that some of the signatures attached to the petition were forgeries, and that there was a previous conviction against Gardiner in Victoria, which had been concealed. But I think these grounds, even if they were facts, which they have not been proved to be, would be quite insufficient to release me from my implied promise. In a petition so numerous and influentially signed, a few signatures more or less of persons of whom I had no knowledge would have been immaterial; and I cannot say that my decision would have been different if it had been stated on the papers that before Gardiner commenced his criminal career in New South Wales, he had been convicted in Victoria of horse stealing in 1850—nearly a quarter of a century ago. In view of the grave character of his crimes in

New South Wales, such a comparatively minor offence would have appeared insignificant. I must, therefore, as I have said, dismiss these pleas as insufficient.

The question remains—would the public safety be in any way jeopardised if the expectation held out to Gardiner of being allowed to exile after ten years were now fulfilled? I think not. Sir Alfred Stephen observes in his letter on Gardiner's case that "the end and object of all punishment are, first, the preventing of the individual, and secondly, the deterring of other individuals, from the committing of similar crimes." Have these ends been attained in the present case? I think they have. The sentence of thirty-two years passed upon Gardiner was imposed at a time of great excitement, and his punishment would seem to have been measured more in view of the crimes with which he was supposed to have been connected than with reference solely to those of which he was actually convicted. It was probably never intended that such a sentence should be served in full; and, looking dispassionately at all the circumstances of the case, I consider that ten years of rigorous penal discipline within the walls of a gaol—the first two years in irons—followed by expatriation for a further period of twenty-two years, is a punishment amply sufficient to satisfy the ends of justice, and to deter others from following Gardiner's bad example.

Whether Gardiner's apparent reformation is sincere, is a point which time alone can determine. I am myself disposed to think after the experience he has gained, and under the altered circumstances of the colony, he might be released even in Sydney without any substantial danger; but there are many persons who apparently think differently, and who believe that if Gardiner had an opportunity, he would revert to bushranging; and these fears, which are entitled to consideration, have been aggravated by a few isolated robberies which have occurred just at the time when this case was attracting public attention. Assuming, however, that these apprehensions are reasonable and well founded, it appears to me that they are fully met by the condition of exile, which the Government will of course take effectual means to enforce. A Legislative enactment authorises and empowers the Government to take the necessary steps for this purpose, and none of the old and settled countries will offer opportunities for the peculiar crime of bushranging, even if Gardiner were disposed to revert to it. I do not think sufficient weight has been allowed throughout the community to this condition of exile, which it is intended to attach to Gardiner's pardon, and which supplies, in my opinion, effectual security for "preventing the individual from the committing of similar crimes."

The end and object of all punishment would therefore seem to have been secured by the course which it is proposed to adopt in the present case. The prisoner has, I hold, been sufficiently punished, and he can, I conceive, with safety be set free, upon condition of his leaving the country. If, while entertaining, as I do, these opinions, I were to break faith with the prisoner, and retain him in gaol beyond the time specified for his liberation, I should be doing so, not because I think such a course necessary, but simply in response to clamour, which I believe to be unreasonable and unjust. It is indispensable for the maintenance of prison discipline, that every hope held out to prisoners should be scrupulously fulfilled; that every promise made or implied, should be held sacred, or broken only on grounds the sufficiency of which would be apparent even to prisoners' minds. I can see no such grounds in the present case; and I am convinced that the moral bad effect upon the whole body of prisoners throughout the colony, as well as upon the community generally, which would result from disappointing without sufficient reason an expectation raised by her Majesty's representative, would be infinitely greater than any practical inconvenience which would be likely to result from keeping faith with the prisoner and allowing him to leave the country.

For these reasons I think that Gardiner should receive a conditional pardon at the time when he was led to expect one; and that the Government should at the same time take steps to secure, as far as practicable, the continued absence of the prisoner from the Australian colonies during the unexpired term of his sentence. I am sorry to think that such an exercise of the Royal prerogative of pardon is unfavourably regarded at the present moment by certain sections of the public, but it appears to me that the course which I suggest is the only course now open to the Government consistent with honour and justice, and I confidently anticipate that the fairness of this view will eventually be acknowledged by all impartial and reflecting members of the community.

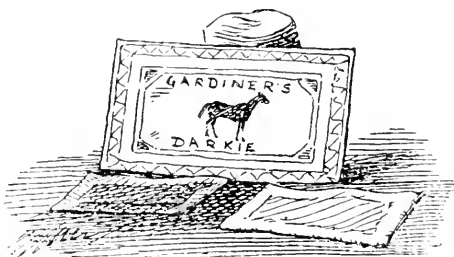
HERCULES ROBINSON.

Government House, 23rd June, 1874.

The Executive under the circumstances could not do otherwise than agree with his Excellency; disagreement would have involved stultification; and hence the clerk received instructions to record the following minute:—"The Council having duly considered the petitions and minute referred to, are of

opinion that sufficient grounds do not exist to warrant them in advising his Excellency to depart from the promise implied in his Excellency's minute of the 5th December, 1872, upon the case of the prisoner Gardiner."

Meanwhile Gardiner was making preparations for bidding adieu to the prison walls of Darlinghurst; and at last the day of deliverance arrived. On the morning of Monday, July 20th, 1874, the doors of the prison which had been closed upon him for ten years were



GARDINER'S MAT.

thrown open for him and the other prisoners who had, on his account more than on their own, obtained a remission of their sentences. But it was not to the "bosom of his family" that he was restored. The sisters who had pleaded so hard for him to be released to their arms had to be content with a passing embrace. On the evening of the day that the prison gates swung back to admit of his egress, Gardiner was conducted to a cabin in the steamer Dandenong, then running between Sydney and Newcastle, a few officials and the relatives and friends who had been kept in touch with the movements of the authorities only being



present to witness the embarkation. Two detectives accompanied him, and on the steamer's arrival at Newcastle he was removed to the lock-up, there to be detained pending the departure of the vessel (the Charlotte Andrews) in which he was to be conveyed into exile, and which was not quite ready to start.

On the afternoon of the 27th the vessel was ready to receive him, and the necessary steps were taken to remove the prisoner from the lock-up to the place on board prepared. Sub-inspector Thorpe and Detective Elliott accompanied him from the lock-up to the vessel, which was lying in the stream, with the tug alongside, ready for sea. Meanwhile, the news that Gardiner was being "shipped" had leaked out, and the Newcastle people were speedily on the *qui vive*, all being more or less anxious to obtain a last look at the liberated prisoner. A large crowd had assembled in front of the court house prepared to follow Gardiner and his guardians to the wharf; but the officers did not desire display. Gardiner was taken out of the lock-up by the back way, while a water-police constable, accompanied by a detective with a bulky carpet bag, came out of the front door and proceeded to the wharf by the usual road. The crowd at once concluded that the man with the bag was Gardiner, and immediately started in full pursuit, escorting the pair of "dummies" to the ordinary landing place at the steamer's wharf, while the real Simon Pure went off to the barque in a boat from another point.

Very little more remains to be said concerning Gardiner. If he landed in China he did not stay there. The free and easy life of San Francisco suited him better than life with the Children of the Sun, and in

San Francisco he was shortly afterwards found, snugly located as the proprietor of a "saloon." For many years he plied this calling, and—whether from choice or necessity, who shall say?—came to the end of his days an honest man ; a free man but an exile, while yet the time of the sentence passed upon him was unexpired. More than one person who saw him in his saloon in America has declared to me that he died a few years ago, and in the absence of any proof to the contrary I see no reason for disputing their testimony.

## CHAPTER IX.

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### THE CALOOLA ROBBERS.

[Passing reference has already been made to the outrage committed at Caloola—a small village about eighteen miles from Bathurst—and the reader will remember that it was to deal specially with their case that the Bathurst people first suggested to the Government the holding of a special assize.]

In November, 1862, Mr. Henry Stephens kept an inn and store at Caloola and drove a flourishing trade, chiefly with travellers to and from the Trunkey and Tuena goldfields.

On the morning of the 22nd, three men in the garb of ordinary travellers alighted at the door, and after spending a short time in conversation with Stephens and his wife, sat down with them to breakfast. During the meal, one of the men, who had previously been through the house to the back, complained that he was unwell, and, begging to be excused, rose from the table and passed out into the yard. Shortly afterwards unusual sounds were heard proceeding from the passage leading into the dining room, and upon looking to ascertain the cause, Mr. Stephens saw the man-servant entering the room, closely attended by the man who had retired. The servant's face betokened fear, his arms were pinioned, and the stranger was holding a revolver to his head. Almost before the landlord and his wife had realised

the situation the two men at the table sprang to their feet and also drew revolvers. Mr. Stephens at once made an attempt to rise, saying, with astonishment, "Hello, what's up now?" when one of the men, without saying a word, fired point blank at him. The shot struck him in the mouth, and, with a groan, he fell back on the floor in his blood.

Turning to Mrs. Stephens, who was almost paralysed with horror and fright, they ordered her to hand over the money in the house, intimating that if she hesitated, they would treat her like her husband, who although not dead, was apparently mortally wounded. The distracted woman had no alternative but to obey their commands, and at once handed over £20, at the same time sobbing out that they might have obtained the money without committing murder, if that was all they came for. They threatened to shoot her if she did not keep quiet, and one of the ruffians took from her pocket about forty shillings in silver. Having searched the house, and appropriated all the valuables upon which they could lay their hands, the three men prepared to leave, but before passing out they took from the store a pair of saddle bags, a box of razors, a bottle of spirits, and other articles. As soon as opportunity offered Mrs. Stephens went to her husband, and finding that he still lived, although terribly wounded, she followed them to the door and begged them to go or send for a doctor; this they promised to do, saying that her husband "would come round all right by-and-bye." They then rode off into the bush.

As soon as the bloodthirsty trio had departed, the man-servant set off to the nearest neighbour, while Mrs. Stephens sought to assist her husband. A mes-

senger rode post haste to Rockley, the nearest township, for the police; but as there were none there at the time, he galloped to Bathurst, and there gave information to the superintendent of police, who immediately started for Caloola, accompanied by three troopers and a black tracker.

The news of the outrage spread rapidly, and it was chiefly owing to this that the authorities were enabled to pick up the tracks of the three men, who had disappeared from Caloola long before word of the occurrence had reached the police. While the police were still in the dark as to the direction they had taken, two civilians on the Fish River side had seen them and taken steps to intercept their flight. On Sunday morning—the day following the robbery—Mr. William Webb, of Mutton's Falls, observed three suspicious-looking characters near the river crossing, and shortly afterwards Mr. Edward Locke, who had also seen them, suggested that they might be the men concerned in the Caloola outrage. Mr. Webb at once decided to communicate with the police, and hurriedly rode to Diamond Swamp, the nearest police station, and gave information of the proximity of the suspicious-looking strangers. Having secured the services of Constables Woods, Wright, and D'Arcy he returned with them towards the Fish River. When about eight miles from Diamond Swamp, they met one of the three travelling by himself, and ordering him to pull up they asked him where his mates were. He denied that he had any mates, but afterwards said they had gone towards Bathurst. He was secured and shortly afterwards said that the other two men were on the road, and were not very far distant. Leaving the

prisoner in safe custody Mr. Webb and the police galloped onwards, and very soon came upon the other two men, whom they cleverly captured before the villains were able to use their fire-arms. It was very soon ascertained that these were the three men for whom the Superintendent and his troopers were searching in another part of the district; and having been kept in safe custody during the remainder of the day and night, they were on the Monday morning escorted into Bathurst and lodged in durance vile. They were shortly afterwards confronted by Mr. Stephens, who without hesitation identified them as the men who on the Saturday had visited his place, and after shooting him robbed the house. The saddle bags also and some of the other articles found in possession of the men were identified as part of the property that had been stolen. As may be supposed, the rejoicing was general that the reign on the road of these blood-thirsty scoundrels had been so short; and the prompt movements of Mr. Webb and the police who accompanied him were very highly commended by the residents of the district. Had Messrs. Webb and Locke nursed their suspicions until the opportunity came to them of communicating them to the authorities, in all probability the three ruffians would have escaped, if not altogether, for a time sufficient for them to work more mischief. Having himself had some experience of bushrangers (under circumstances which will be narrated hereafter) Mr. Webb knew the value of "heading his men." He made the opportunity instead of waiting for it, and the result was the speedy arrest and imprisonment of three ruffians who were escaping from justice.

Without delay the three men were brought before the Bathurst Police Court for a preliminary hearing. They gave the names of Alexander Ross, Charles Ross, and William O'Connor. Constables George Wood and James Wright were examined and gave evidence as to the manner in which the prisoners were captured, and described the properties found upon them, and the case was remanded for seven days. The excitement amongst the townspeople in this case was very great, large numbers flocking to the court house to hear the evidence and get a sight of the prisoners. It was at this juncture that the question was first seriously mooted in Bathurst concerning the advisableness of memorialising the Government to appoint a Special Commission for the speedy trial of these men, with others who were at that time in custody on serious charges of bushranging in the Western District.

The prisoners were again brought up when the period of remand had expired, the charge preferred against them being that of attempting to murder Henry Stephens. The latter had at this time recovered sufficiently to give evidence against them. He deposed to the truth of the statements he had previously made in the case, and, positively identifying all the prisoners, stated that Alexander Ross was the man by whom he was shot. The witness further stated that when he was shot he fell to the floor insensible, and when he came to himself he was nearly choked with a quantity of clotted blood in the throat, and while pulling the blood from his mouth to prevent suffocation, one of the prisoners rifled his pockets on one side and then roughly turned him over on the floor to search the other pockets.

Then Dr. Machattie gave evidence, as follows :— I know the last witness, Henry Stephens ; on Saturday the 22nd November, about noon, he was brought to my surgery in a gig ; he was in a very weak and exhausted state and suffering from a gun-shot wound ; I had him removed as soon as he was able to bear it to his brother-in-law's residence, and called in to my assistance Dr. Busby and Dr. Palmer ; on the following morning early I extracted a bullet from the right side of Mr. Stephens' neck ; the bullet I now produce ; it is very much flattened, and seems to be about the quantity of lead that would be in the ball of a revolver ; the ball entered on the left side of the face about a quarter of an inch from the side of the mouth, breaking several of the teeth, passed through the root of the tongue, across the upper part of the gullet into the right side of the throat, a little behind and close to the carotid artery and jugular vein, where it lodged until I extracted it in the presence of Dr. Busby and Dr. Palmer ; it was a very dangerous wound ; the shot must have been fired in close proximity to the face, which was very much scorched and a quantity of the powder still remaining in it.

The prisoners declined to ask any questions or make any statement in their defence, and were thereupon committed to take their trial at the next Circuit Court on the 5th March, 1863, or at any time and at such court as Her Majesty's Attorney-General might appoint.

At the close of the examination Alexander Ross asked the Police Magistrate if he could apply to be tried at any other place than Bathurst ; the Police Magistrate replied that he could, and if he desired to



do so Mr. Chippendale (the gaoler) would furnish him with pen, ink, and paper for that purpose.

Then followed the memorial to the Government by the Bathurst people, which resulted in the appointment of a Special Commission to try, not only the Caloola robbers, but a whole batch of bushrangers from different parts of the district.

The Caloola case was set down for hearing in Sydney on February 2nd, 1863, and it fell to the lot of the Chief Justice, Sir Alfred Stephen, to preside at the trial. The indictment against the three men was that of assaulting, putting in bodily fear, robbing and wounding with intent to murder Henry Stephens; and upon being called upon to plead the following dialogue between one of the prisoners and the judge took place:—

Alexander Ross said that before pleading he would wish the case to be remanded for a few hours, in order that he might have an opportunity of speaking to his attorney relative to his defence.

His Honor: In the first place you must plead to the indictment. You are here charged with a capital crime, and of course, if you have any ground to show, I would not wish to deprive you of any reasonable opportunity of defending yourself. Who is the person you would wish to consult?

Prisoner: The priest who visited the gaol yesterday.

His Honor: I must take leave to remark that it appears to me that you have delayed to the very last, purposely. I have spoken to the Police Magistrate at Bathurst, and I find that you have now been sent down this last fortnight, and that you yourself re-

quested that you might be tried in Sydney. In this fortnight you must have surely had full opportunity for providing for your defence.

Prisoner: That is true; but it was only last evening that I heard I was to be supplied with counsel.

His Honor: Who is to undertake it?

Prisoner: I cannot say. The priest who came to the gaol yesterday said I was to be supplied with counsel.

His Honor: But you do not seem to know who is to undertake your case, or in fact if anybody is to do so.

Prisoner: I was told that it would be Mr. Dalley.

His Honor: Do you know anything of this, Mr. Dalley?

Mr. Dalley: No, your Honor.

His Honor: Prisoner, you have been guilty of very unjustifiable delay, and if anything prejudicial to your case occurs through it, you have only yourself to blame. Some person, a clergyman it appears, visits you in gaol, and perhaps tells you that he will do what he can to provide you with counsel, and on that you ask for an adjournment. You can scarcely expect any good result to follow. Is there any person to whom you can send for assistance?

Prisoner: Yes. If I only knew the priest who yesterday visited the gaol. I have no doubt the authorities of the gaol know who this was.

His Honor: I have not read the deposition in your case, for I purposely abstain from doing this in all cases that I try; I am, therefore, not in a position to say whether your trial will occupy a long time or not. I will, however, do this: there is another case with

which the Crown is prepared to proceed, and I will postpone your trial until after that case has been disposed of. It will occupy about two hours, and in the meantime you can communicate with the person who is to defend you. Perhaps Mr. Dalley would not object, as this is a capital charge, to watch the case for you.

Mr. Dalley: I shall be happy to do what I can for the unfortunate men.

His Honor: Then let the case stand over for the present, and let the prisoners have an opportunity of communicating with their counsel.

Sufficient time having elapsed for the prisoners to make arrangements, the case was again called on, and a second and third count were added to the indictment, the second charging the prisoners with the wounding at the time of the robbery, and the third with the wounding after the robbery.

The case was conducted for the Crown by the Attorney-General, assisted by Mr. Butler. The counsel assigned by the Court for the defence was Mr. Dalley.

The Attorney-General opened the case, and stated the main facts to the jury. The prisoners were charged with stealing, and accompanying the robbery with wounding. The facts of the case were very simple. It appeared that at Caloola in September last, the prisoners were at an inn kept by a Mr. Stephens, and that one of the prisoners having left the room, suddenly returned with a pistol in his hand. Mr. Stephens jumping up and saying, "Hullo, what is this?" he was at once shot through the throat, and afterwards robbed. The evidence was very strong

that these were the three persons concerned in the robbery, as would be found when the witnesses came to be examined. He would remind them that if two of the parties were engaged in an unlawful offence, and one of them proceeded to any act of violence, they were, in the eyes of the law, guilty of a complicity in the more criminal act. All the circumstances, and the identity of the prisoners, proved by four witnesses of unimpeachable character, would be found to be so clearly proved, that a conviction was, he thought, inevitable. There might be an attempt made to prove the pistol went off accidentally, but the truth or even probability of such a thing would, he had every reason to believe, be amply disproved by the evidence.

Henry Stephens, being sworn, stated that he was a publican, residing at Caloola. Witness saw the prisoners at seven o'clock on the morning of the 22nd of September last. Two of them—the two Rosses—came on horseback, and the other man (O'Connor) on foot. Witness did not then know their names, but identified them. They came before the door and O'Connor came in with a bridle in his hand. They asked for nobblers. The prisoner O'Connor said, in answer to a question put to him by the witness, that he had lost his horse the night before, and that he had been nobblerizing on the road. He told witness that his name was Thompson. There was a great deal of talk between them whilst witness was getting breakfast ready. The prisoner, Alexander Ross, said he was not very well, and witness gave him some physic which he had in the house. They subsequently, all three, sat down to breakfast with the witness, Mrs.

Stephens, and a man named Young. Whilst they were eating their breakfast Alexander Ross got up and said, putting his hand on his stomach, "You must excuse me, I am not very well," and so retired. Witness saw him come back afterwards with the cook. He pushed the cook in, and said to him, "Go in there, you —— wretch." He had something in his hand, and held it out. Witness jumped up, and said, "Hulloa, what is this?" The man, Alexander Ross, then suddenly drew his hand from the back of the cook's neck. Witness had just time to see that he had a pistol in that hand, and to say "Hulloa, what is this?" when the pistol was fired off, and he was hit in the mouth. The man Alexander Ross was about a foot from the witness when he so fired. Witness had only time just to shut his eyes before the pistol went off. Witness fell, and came to himself, after the shock, a few minutes afterwards. Witness was then lying on his left side, and heard someone in the bedroom say "Come, we must have it all." One of the men then came to him, and turned him over and searched his pockets. Witness was at that time lying in his blood on the floor—he was, in fact, nearly suffocated. There was some money in his pocket when he was thus robbed. Saw some new saddle bags which belonged to him at the Court House at Bathurst. These had been in witness's store at the time that the prisoners came to his house. There was a martingale and two cheques missing from his house after that morning. The saddle bags had a private mark on them. The cheques were in the witness's bedroom. The notes missed witness could not swear to, but he could swear to the cheques. Witness believes the martingale pro-

duced to be his, but cannot swear to it. The martin-gale resembles one which witness had lost out of his house. Witness was taken into Bathurst to Dr. Machattie, and saw the prisoners on the Monday following. Witness could not then speak, but he did recognise them nevertheless. Could not then speak, but wrote down who they were. It was Alexander Ross who shot witness, but witness also saw Charles Ross with a revolver, which he presented at Young. O'Connor rose with Charles Ross, when Alexander Ross came in with the cook. The man Charles Ross pointed the pistol he had in his hand towards Young. After witness came to, Alexander Ross said to the cook "You ——— rogue; I have a great mind to shoot you." Young took up a chair and waved it about, and said "For God's sake don't fire." Witness scrambled up and got away, as well as he could, to the sofa, where he fainted. He heard no more. Witness did not hear the cook say anything calculated to exasperate the prisoners after witness had been shot. Witness was unable to speak distinctly for a long time. It was a few days previous to this trial that he was able once more to speak distinctly. For a long time he could only speak in whispers.

By Mr. Dalley: I did not see any scuffle between the cook and Alexander Ross when they came in. The cook was pushed in by the prisoner Ross by the one hand—not that in which he held the pistol. Witness was sitting in his chair at the breakfast table. The prisoner Ross and the French cook, St. Maur, were not more than a yard apart at the time. The other persons at the breakfast table were on the other side. The seat occupied by witness was in a line with

the door. At the very instant that the cook and the man Alexander Ross came in, Ross lowered his hand, and fired. They came in from a passage, by the bar, from the back of the house. The man Ross was using loud language to the Frenchman as they came towards the door. Witness thought that there was some dispute between them, that the cook objected to his being in the kitchen or something of that sort. The prisoners, Charles Ross and O'Connor, rose as the two came in. Witness's wife shrieked, but not until after witness was shot. Witness must have come to soon after being shot, as the men were in the bedroom when he again became sensible. Witness gave evidence shortly afterwards when he was still unable to articulate. He wrote down what he had to say. Witness did say that the prisoner Alexander Ross was the man who had threatened to shoot the cook, as the cause of his having shot witness. Witness thinks that what Alexander Ross said was "I'll shoot you, you — dog, because you have been the cause of me shooting him." Witness did not mention this in giving his evidence in chief just now, because it did not occur to him. Witness believes that his wife asked the men to go for a doctor for him after he was shot.

By the Attorney-General: Is quite sure that the prisoner Alexander Ross had the pistol pointed as he came in. One of the other two men also pointed a pistol at Young. The pistol was lowered down towards me (witness) with both hands by Alexander Ross as witness sat—at about a foot distance from him. The cook was, at the time the shot was fired at witness, past witness. There was no intervening object between the cook and witness.

Caroline Stephens deposed that she remembered the 22nd of September last. She remembered the three prisoners being at her house that day. The man Alexander Ross left the room during breakfast with some excuse, and afterwards returned with the cook. This man pushed in the cook, and a shot was fired and the husband of witness was wounded. The man Alexander Ross had a pistol in his hand. Witness's husband was shot just as he was rising. He fell down and, on attempting to rise, fell down again immediately. Witness said, "My poor husband, you are shot." I saw one of the other prisoners raise a pistol after my husband was shot. This was the prisoner in the middle of the dock—Charles Ross. Witness thinks he was presenting it at the cook. After the pistol was fired witness saw Young raise the chair, and beg them not to fire. Charles Ross, after the shot was fired, went into witness's bedroom. O'Connor ran out of the room when the shot was fired, but he afterwards returned. Charles Ross was in witness's bedroom for some time getting the money. Witness said to him, "If it was money you wanted, why did you not ask for it, and not kill the poor fellow?" What witness gave him consisted of cheques and notes. Witness gave him the money without taking note of what it was. There were notes and cheques. The man Charles Ross searched witness's pockets and took silver from them. Witness gave him the cheques and notes together. Witness then went into the bar. The next time witness saw Charles Ross was at the bar door. Charles Ross did not treat witness with any personal violence. Witness asked Alexander Ross and the two other men to allow her to go for a doctor. They



said that Mr. Stephens was not hurt, and that he would be better by-and-by. They said they would go for a doctor as they were going away, and went towards Bathurst. Did not see O'Connor going away with the two Rosses. O'Connor had a bridle in his hand, and was there with them before and after the shot was fired. O'Connor said to witness in the bar that he could not catch a horse that was then in the yard. Witness missed a pair of trousers and a pair of razors. Is quite sure that the prisoners in the dock were the three men. They called out the cook, and tied his hands behind him. Did not hear them threaten him. Young lifted the chair after the shot was fired. He lifted it up as a means of defence between Alexander Ross and the cook. To the best of witness's recollection, the cook put something over the face of Mr. Stephens after he was wounded.

By Mr. Dalley: Saw Alexander Ross pushing the cook into a room. Saw this taking place just before they came in. The pistol went off just after they came to the door. Witness's husband was rising from his chair as he was shot. The cook was then on the other side of witness. Witness was not watching the pistol at the time it went off. Saw witness's husband fall. Saw Alexander Ross pointing the pistol towards her husband. It was of the pistol that Charles Ross had that witness said she did not know where it was pointed. Witness saw the pistol when Alexander Ross came in pointed at the neck of the cook. Witness did not see any alteration of its direction from the time that witness first saw it until the instant that her husband was shot. Did not see O'Connor do anything but rush out of the room when the pistol was

fired. O'Connor did not leave the house with the other two prisoners.

By the Attorney-General: O'Connor left the room after the pistol was fired, but came back afterwards. It was after the husband of witness was shot that O'Connor said he was not able to catch one of the horses in the yard. It was not for the purpose of going for a doctor that he was trying to catch one of the horses.

John Young (a gold digger for twelve years), being sworn, deposed that he knew the three prisoners quite well. Remembered the 22nd September; the three men being at breakfast at Mr. Stephens on that day. Witness was there at breakfast. Alexander Ross complained of being unwell, and asked leave to quit the table. Leave was granted, and he left accordingly. He afterwards returned to the room with the cook, holding a pistol at the back of his (the cook's) neck. The cook said "Don't shoot me behind." The direction in which Alexander Ross held the pistol, as he came in with the cook, was not such as could cause Mr. Stephens to be shot where he then sat, unless it was lowered. Witness's opinion is, that after Mr. Stephens was shot the prisoner, Ross, wanted to shoot the cook, saying he had a mind to take his life. The cook was covering himself behind witness with a dish. Witness covered himself with a chair as well as he could. Witness told them if they wanted the money they could take it without letting their — pieces off. They made witness no answer. Charles Ross went into the bedroom, and Mrs. Stephens went to attend to the child, which was near being smothered in the bed. Alexander Ross afterwards

came and robbed Mr. Stephens as he lay choking in his blood like a dog. Witness did not see O'Connor do anything in the affair. Witness saw Mr. Stephens get up after he was shot and creep round to the sofa. Witness saw Alexander Ross threaten the cook four or five times after Stephens was shot. Did not hear anything said about horses; nothing about the inability of O'Connor to catch some wild horses in the paddock.

By a juror: Did not see the cook pushed past the landlord just before the pistol went off.

By the Judge: Saw the pistol presented at the master (Mr. Stephens) as he was rising. The pistol was pointed downwards towards the cook—between the cook and the master. Will not swear that the pistol was pointed at the master. Was at the corner of the table just past the master at the time. Alexander Ross was not in the room. The cook was just inside the room, not quite a yard or so from Ross. Witness then saw the pistol. It was then pointed down. Cannot say whether the pistol was pointed at the master or at the cook.

By Mr. Dalley: The cook was about a yard from Mr. Stephens, between the prisoner (Alexander Ross) and Mr. Stephens. Witness was not watching the pistol, but he saw it nevertheless. Saw the direction of the pistol altered when master spoke. Until he spoke it was pointed between the master and the cook. After the master was shot and robbed, witness did not hear any of the prisoners say to the cook, "I'll shoot you, — dog, because you have been the cause of the man being shot." The cook was crouching behind witness,

and witness had the bottom part of the chair held towards Alexander Ross as he threatened to shoot them—either him or the cook. Witness tried to save himself as well as the cook, for he believed the man did not care where he shot. Neither of the prisoners threatened specially to shoot witness. Did not say at his examination at Bathurst that the prisoners had either tried to shoot him or had threatened to shoot him. Was not afraid for himself—his whole concern was for the poor fellow that was choking at the time.

At the desire of the counsel for the prisoner, the deposition of the witness Young at the police court at Bathurst was here put in and read, with a view to showing that the witness had there positively sworn that the prisoner Alexander Ross had threatened to shoot witness, and that witness was in dread that he would do so.

Examination continued: Witness did not ever say that Alexander Ross intended to shoot him. If he did say so, it was a mistake. Never saw any one shot before. Was never present at any robbery with fire-arms before; was calm and collected, and perfectly aware of what took place. The interval between Alexander Ross entering the room and the explosion was about five seconds, or might have been more. Protected his head and body with the chair. Prisoner worked the pistol to and fro, and witness worked the chair. Dodged his head in watching the movements of the pistol. (Witness here explained with a chair this part of his evidence.) Saw O'Connor leave the room directly the shot was fired. He went to the door leading to the front of the house. There is a back door besides. Did not hear O'Connor threaten or

say anything. There was a means of exit by the back door through the bar, but not otherwise.

By Mr. Butler: O'Connor could see what was going on from where he stood.

By His Honor: At the moment when the cook was driven in, and Mr. Stephens was about to rise, I rose and saw Charles Ross and O'Connor rise; they rose as Stephens fell; saw the pistol then; it was pointed at one of us; the cook was just coming past as Stephens fell. Did not see O'Connor do anything. He stood at the door near the threshold. Charles Ross went into the storeroom. Cannot say the pistol was touched by any one but the party who held it. Am sure it was pointed towards some of us before it went off. The pistol when I saw it was pointed between the cook and Mr. Stephens. It might have been pointed at him or the cook. It hit Mr. Stephens.

Semond, the cook, deposed: Have been in the colony about a year. Was engaged as cook at Mr. Stephens'. Saw the three men there. The two Rosses I saw first. Saw them all at breakfast with the "missus," Young, and Mr. Stephens. Next saw Alexander Ross in the kitchen; asked him to come in; I was amusing myself, and had the big knife in my hand. He said, "What are you doing with the knife—are you going to kill anyone?" I threw the knife down, and he then drew a revolver from his breast, and said, "Walk in, you ——." I said, "What for?" He said, "March in, and I'll show you what for." He followed me in, holding the pistol close to my head. I could feel it several times against my head. When we reached the room I was shoved in, and Mr. Stephens rose up and said something. The pistol

was then fired, and he fell. On reaching the room, Alexander Ross kept presenting the pistol at me, using very bad language and saying, "You'll have to die before I go." I was behind Young, who was protecting himself with a chair. Only one shot was fired. When Stephens was, as I thought, dead on the floor, Alexander Ross went down on his knees and searched his pockets. I saw him take some silver from Stephens' pockets. Charles Ross, on leaving the room, went into the bar, and took two or three bottles of spirits. Did not see him take any saddles and saddle bags; Charles Ross tied my hands while Alexander pointed the pistol at me. They searched me. Afterwards they went away, one of them having brought round the horses. I next saw the prisoners at Bathurst a week after the occurrence.

By Mr. Dalley: Did not see the pistol go off. Alexander Ross gave me a push into the room, and immediately after the pistol went off. Stephens was beyond me in the direction I was going when the pistol went off. I was between Alexander Ross and Mr. Stephens.

By His Honor: Mr. Stephens was behind me in the room.

By Mr. Dalley: When shot Mr. Stephens fell at my feet. Cannot say where Young sat. I had to come about twenty-five yards from the kitchen to the room. I did not resist or provoke him by word or gesture. He could have shot me as I was coming along if he liked. He said in the room several times "You wretch, it was all through you." This was after the pistol went off. I understood from this that he wished to console the wife, who was crying and excited, by

attributing the occurrence to me. He pushed me all the way along from the kitchen. I don't know that the pistol came in collision with my neck or back just before the shot was fired.

By his Honor: There is a passage from the kitchen leading to the bar and to the room. This (diagram produced) gives a tolerably correct idea of the situation of the premises. A man standing at the opening of the passage could guard both the bar and the room.

By Mr. Dalley: Did not see O'Connor after the shot was fired till I heard him say he could not catch the horses.

George Wood, constable of the mounted patrol, deposed: I and two other constables went in search of the prisoners on the 23rd November. We came up with them on a road leading towards the Fish River. This was thirty miles or more from Stephens'. We came up with O'Connor; asked him where he came from; he said from Lambing Flat; told him he was arrested on suspicion of murder; gave him to Wright, and went on in pursuit of the others, whom we also arrested; told them the charge, put them in handcuffs and searched them; found a revolver on Charles Ross, and a £5-note, a half-sovereign, and some silver. On Alexander Ross found another revolver, five £1-notes, and some silver, a portemonnaie, and a miner's right. On O'Connor, found two cheques and some saddle-bags. Found also a nearly new martingale on Alexander Ross's horse.

By his Honor: The revolver produced was taken from Charles Ross. Saw the other revolver taken from Alexander Ross.

James Wright, trooper in the Western patrol, deposed that he was present at the arrest of the prisoners; took the revolver from Alexander Ross; ordered him to dismount. He said he had no revolver; afterwards he said it was in the valise. Unstrapped the valise and took it out. He said it would have been death between us if he had had it in his hand. Saw the cheques and other property found on the prisoners.

By his Honor: Have been nearly two years in the police, and understand revolvers. This is in good working order, except a small breakage on the head of the lever. (Weapon shown and explained to the jury.)

Dr. Machattie sworn: He attended Mr. Stephens when injured with a gunshot wound. The ball passed through the cheek, breaking two of the teeth, passing through the root of the tongue, and out at the neck. It was a dangerous wound, and for some time he despaired of his life. The ball just passed the carotid artery, which, if struck, would have caused death. The weapon must have been pointed downwards.

By Mr. Dalley: The resistance of the teeth when struck would not account for the downward course which the ball took.

This closed the case for the prosecution.

Mr. Dalley addressed the jury for the defence, requesting in the first place that they would dismiss from their minds all that they might have heard out of doors, not only in connection with the case itself, but also in reference to the cause which had rendered it incumbent on the Government to anticipate the ordinary sittings of the court by the issue of a special commission—a step only taken in extreme cases, and



when the state of the country imperatively demanded such a procedure. After reminding the jury in an earnest and emphatic manner of the solemn duty which they had imposed on them, and the necessity which existed (under the circumstances under which the prisoners stood before them) for their giving a most careful and patient consideration to all the facts disclosed in evidence—the learned gentleman proceeded to review the statements made by the various witnesses, pointing out especially what he regarded as an extraordinary discrepancy between the versions given of what took place in the room immediately before and after the pistol was discharged. All the facts, he submitted, went to support the conclusion that the explosion of the revolver was not an intentional but an accidental circumstance, and the only witness whose evidence was contrary to this assumption was Mr. Stephens, who swore positively that the pistol was pointed and aimed directly at him. It should be remembered, however, that Mr. Stephens was, according to the bulk of the evidence, shot immediately after the prisoner Alexander Ross entered the room, and that he lay insensible on the floor for some time from the effects of the wound. Therefore the jury must see that he could have had no distinct or clear recollection of what took place—his impressions having been arrived at subsequently when he recovered from a confused idea of the circumstances attending this awful and sudden occurrence. The evidence of Mrs. Stephens did not show that the shooting was intentional, or that the weapon was aimed at her husband. In the evidence of Young, again, it was made pretty clear (although the witness's statements

were in points contradictory) that the weapon was pointed not at Stephens, but between him and the cook. The prisoner, in fact, had no intention of shooting either the one or the other, but the firing, as he before said, was an accident, terrible in itself no doubt, but still devoid of criminal intent. Accidents of the kind were of frequent occurrence, even in the case of persons who were familiar with the use of fire-arms. An officer of the police, not long since, had been twice shot in a like accidental manner. It was not intended that any man should have been shot; and what, it was but fair to ask, had been the behaviour of the accused after this unfortunate shot had been fired? It was proved, he repeated, by the evidence of the principal witness Stephens (and it was the only thing that rather told against that witness, because it did not appear in the evidence-in-chief) that the threat which the prisoner Alexander Ross had used to the cook was by no means of an unqualified nature;—his alleged threat to shoot that man was one accompanied by a strong compunction and remorse at the unhappy accident which had taken place, and for which, as he thought, the cook was to blame. Except for the fact of the prisoner O'Connor being with the prisoners Ross at the time of the occurrence, there was nothing in any degree to criminate him up to the time that he ran out of the room—unless, as had been suggested, that he was to be supposed to be then standing outside on guard, during the commission of the robbery. As to his being in company with armed men engaged in the commission of a robbery, they were to remember that, in this country, extraordinary engagements were often made as regarded the working classes, by

the effect of which innocent men found themselves often associated with persons banded together for the commission of crime. Supposing O'Connor to have been thus innocently connected with the other two men, what was he to have done consistently with the hypothesis of his being perfectly innocent? If he had run away immediately and had stayed away, would not that have been construed into a presumption of guilt? And if on the other hand he stayed, might it not have been equally a presumption that he was really guilty. The mere possession of the cheques was far from being a conclusive proof of guilt. Every day it was notorious that perfectly innocent parties, often in the way of business, came into possession of stolen cheques. He felt that he was far from being able to do adequate justice to the merits of the case, having had so short a time to make himself acquainted with its details—not even time to read over the voluminous depositions. Still, he had given it his consideration, and could not but feel that there was no proof that the pistol had not been accidentally discharged; indeed as he had already submitted, the evidence decidedly pointed to that conclusion. Supposing that the prisoners Ross were the parties that were concerned in the robbery, there was, he contended, no evidence whatever of the complicity of O'Connor. No other theory in the case, except that of accident, would explain the shooting of Stephens, and he submitted that whatever view the jury might be inclined to take as to the counts for robbery, they would, at any rate, not adjudge the prisoners guilty on the capital count of feloniously and wilfully wounding. All the facts of the case, all the circumstances as deposed to by those

witnesses who were in a position best to see and hear correctly what transpired, went to support the conclusion that the shooting was accidental; and he left the case in their hands, confident that on a careful and patient consideration of the evidence adduced, this was the view which would be irresistibly forced upon their minds, and which they would endorse by their verdict.

The Attorney-General replied. He urged that the arguments of the learned counsel for the defence as to the supposed accidental discharge of the pistol were not to be relied upon. The pistol fired off was in good order at the time, and therefore not likely to go off in the way that had been assumed. Again, the story of the accidental discharge was altogether rebutted by the circumstances of the case, as disclosed in evidence. There was nothing to show that the pistol had been so discharged, but evidence to contradict it. If the weapon had gone off unexpectedly would it not have been natural for Alexander Ross to have expressed his regret for it? Would not a man under such circumstances be most likely to have thrown away the pistol, and to have said, "I am sorry for that, it was an accident?" The prisoner, however, was found to do nothing of the kind. Instead of expressing any such contrition, he gave way to further threats of violence, repeatedly declared his intention to take the life of another man, and robbed the bleeding body of the wounded man with a brutal indifference.

His Honor, in summing up, said there was no dispute on either side as to the law that should govern their verdict. There were only two questions for

them to consider : first, whether all three prisoners had been engaged in the robbery ; and then whether the pistol with which Stephens had been wounded, had been fired by accident or not. There could be no doubt that a robbery had been committed, that the house had been ransacked, and that extreme violence had been used. First let them see whether all three were guilty of robbery. Mr. Stephens, Mrs. Stephens, the cook, and Young, all four declared without doubt that the three men had come together, the Rosses on horseback, O'Connor on foot ; then they were all at breakfast together, and afterwards they all went away together. About the participation of the Rosses there was no doubt, but it had been said that though O'Connor came with them, it did not follow that he had any hand in the robbery. But then he went away with them, and when he was afterwards apprehended part of the stolen property was found on him. Then, in answer to this, it was said that any person might receive a cheque innocently enough from a third person. Now, these were arguments such as he scarcely expected to hear addressed to men having reasoning powers and possessing some knowledge of the world, and he doubted much whether they for one minute held ground in the mind of the jury. Not only did O'Connor come with them, breakfast with them, and leave with them, but he it was who stood sentry at the door, at the place by which only intrusion could be expected, whilst the Rosses carried out the concerted plan. Alexander Ross commenced by driving the cook into the room, and at the moment he did so both Charles Ross and O'Connor started up from their seats, put their hands into their breasts and, according

to one witness, both drew out revolvers, though it was doubtful whether O'Connor had a revolver with him. At all events the motion of the hand to the breast misled one witness to the belief that he was also armed. Was it likely that all this was done by accident? Was it not more likely that the three were acting in concert in accordance with previous arrangements? Then, again, O'Connor was seen trying to catch a horse in the paddock. It was surely not innocently that he was endeavouring to possess himself of a horse not his own. The next morning he was found on the same road as the other prisoners, they being only a mile in advance of him, and on his person were found two cheques and a pair of saddle-bags that had been stolen from the place. The next question was, supposing them to say that the robbery was committed by all three, was any of them guilty of wounding, because if found guilty of the robbery and not of the wounding, the jury would have to say so. This would mainly depend upon the one question whether possibly the wound might have been inflicted by accident, and not design. If the pistol had gone off accidentally, or if it had been fired merely to excite terror and with no intention of hitting any one, then the prisoner would be acquitted; but if there had been an intention to hit any one and that one had been shot in the place of another, then they must be found guilty, for though the shot was fired by one all three would be equally guilty. There was no distinction in law, neither did he believe that there was any in morals, between the guilt of any one of the three; for if three men go out to commit an offence, two only of them carrying revolvers, those were taken for the purpose of overcom-

ing any resistance that might be encountered, and overcoming it, even at the cost of life. And if resistance was made and life taken, all three would be equally guilty though one was unarmed. If a contest took place it would most likely be with the man who happened to be nearest to the person offering resistance, or who happened to be the most rash; and why if he shed blood should he be deemed more guilty than the others, since all were acting in concert with the same end in view? The case became different, however, supposing the pistol to have gone off by accident or the shot to have been fired with no intention at the moment to hit anybody. Upon this point the evidence required very minute examination, because it never happened that in such cases the evidence was of perfect accord, since different persons were sure to see from different points of vision and in different ways. (His Honor here went over the evidence bearing on this point). Then, again, in determining the question, they must look at the motive by which the prisoners were actuated. If they went to commit a robbery, then were the pistols to be used as instruments, and if so, in what way? A revolver was not used for rifling a pocket, but to intimidate the persons to be robbed, or to overcome any resistance that might be offered. Now, if intending to intimidate he had wished to wound either Stephens or the cook without any intention of taking life, prisoner would be equally guilty; or, if when seeing Stephens jump up, he might have been afraid of resistance and so have fired to put a stop to it. If he fired at any person, he must be taken to be guilty; and if he were guilty, then all three were so alike. After comment-

ing upon the evidence bearing on this point, his Honor concluded : If you are clear that it was no accident, but that the shot was fired with design to hit some one, then the prisoners must be found guilty on the whole information ; but if you have any doubt upon that point, you will give the prisoners the benefit of it. At the same time, I must warn you against giving what is erroneously termed a merciful verdict. I could never understand the meaning of this term, because a verdict is simply telling the truth. I can therefore understand mercy in the Executive, or in a judge, but certainly not in a jury, who are simply required to tell the truth. Mercy is an operation of the feelings of the heart ; whereas a verdict is come to on the operations of the mind and upon strict facts. Thus the two never can combine. It is the duty of the jury to speak the truth on the evidence according to their consciences, no matter what the consequences may be ; mercy has afterwards to be taken into account in other quarters.

The jury retired, and, after being absent for more than an hour, returned with a verdict of guilty against all three prisoners upon the first count of the information.

His Honor stated that although sentence would not be passed until the end of the session, yet he felt it his duty to tell the prisoners that he entirely concurred in the verdict of the jury. He did not, therefore, wish the prisoners to build up any hopes founded on an anticipation that he did not agree with the verdict of the jury. He believed it to be a just and proper one.



The prisoners were removed, and the Court adjourned until ten o'clock the following day, when other cases were proceeded with.

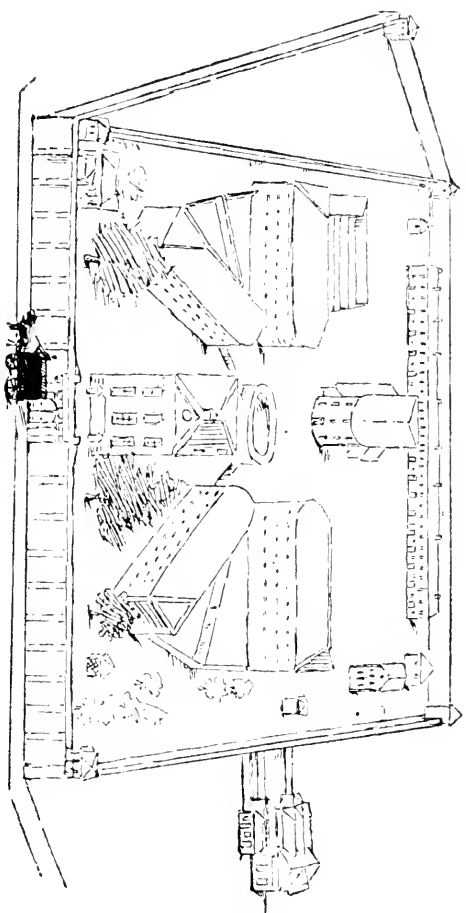
At the close of the session the three men were brought up for sentence with the other prisoners who had been convicted. It was known that the sentences were to be pronounced, and the greatest interest was manifested by the public. The Court House was crowded to suffocation, and although their Honors were fully three-quarters of an hour behind their time, not taking their seats until a quarter to three o'clock, not a man amongst all the spectators budged from his post. The first prisoners put up were the two Rosses and O'Connor, and at a very early part of the Chief Justice's address it became known, as was indeed fully understood before, that they were to receive the sentence of death. Alexander Ross was cool, collected, and argumentative. Charles Ross seemed anxious and nervous, and, though standing firm, repeatedly wiped his forehead. O'Connor was eager and restless in asserting his innocence of complicity with the wounding, and when sentence of death was passed, he assumed a resolute air, and turning round to the gallery, said, "good-bye."

After the usual formalities had been observed the three men were called up and sentence of death was passed upon each of them, the judge informing them that he could not hold out any hope of mercy.

A few days after the condemned men had been cast for death, a new story appeared with reference to the outrage of which they had been convicted. The story, which was circulated by the *Sydney Empire*, and which was said to be well substantiated, certainly

shewed that Charles Ross had some claim to mercy. The statement was to the effect that after the two Rosses left the house of Mr. Stephens, Alexander Ross wanted to shoot O'Connor, and actually loaded his revolver for that purpose, when Charles Ross struck the weapon up with his hand, and it exploded in the air. Further, it was said that Alexander Ross expressed his intention to return to the house, murder all the inmates, and set fire to the dwelling, in order to destroy all evidence of his crime, he doubtless supposing that Mr. Stephens had died from his wounds. This intention, so said the story, was with much difficulty frustrated by the firm opposition of Charles Ross. It was strange that nothing of this oozed out at the trial, or when the witnesses were defending themselves; but it was generally believed that O'Connor had communicated the facts to the gaol authorities after the trial and sentence. But it failed to influence the Executive in favour of the condemned men, although for other reasons which do not appear the death sentence passed upon O'Connor was commuted to imprisonment for life.

In due course the two Rosses were executed within the precincts of Darlinghurst gaol. Alexander Ross, the man who fired the shot by which Stephens was wounded, was a Roman Catholic by persuasion, and was attended to the scaffold by the Venerable Archdeacon McEncroe and Fathers Sheridan and Dwyer. Charles Ross, his companion in crime, was a Protestant, and was attended by the Rev. P. P. Agnew. Both men while under condemnation were visited by the Sisters of Charity, whose exertions they received most gratefully, devoting themselves with



BIRD'S-EYE VIEW OF DARLINGHURST GAOL.



earnestness to that preparation so necessary for men whose lives were about to cease. The number of persons present at the execution did not exceed thirty or forty, although there was a crowd of about a hundred or more assembled outside the gates of the gaol; but these of course saw nothing of the terrible scene. At six o'clock the criminals had their irons knocked off, and the remainder of the time, up to leaving the cells, was spent in devotion in company with the reverend gentlemen named. At nine o'clock, the Under-Sheriff, who was evidently much affected at the nature of the duty he had to discharge, made his formal demand for the bodies of the criminals, and shortly afterwards they were pinioned in one of the corridors, and the sad procession moved towards the scaffold erected in the centre of the gaol yard. Both criminals were habited in the gaol dress, and behaved with an amount of decent fortitude which struck the spectators, and left no doubt that the ministrations of religion had not been expended fruitlessly. Arrived at the foot of the gallows, the two wretched men knelt for a few moments in prayer, repeating the responses audibly and with much fervour. They then ascended the ladder, Alexander Ross leading the way, but pausing for a moment on the steps to bid adieu to the Rev. Mr. Dwyer, who was quite overcome, and retired weeping from the grim structure. Charles Ross also mounted the steps without a tremble, followed by the Venerable Archdeacon, the Rev. Mr. Agnew, and the executioner. Once on the platform the dreadful preliminaries were speedily completed; the ropes were placed around the necks of the wretched men, caps were drawn over their faces, the clergymen retired, and at

a given signal, the executioner drew the bolt. The platform instantly slid from beneath their feet; a dull heavy jerking followed, and the culprits were suspended. In the case of Charles Ross there was a complete dislocation of the neck, and death was instantaneous. Alexander Ross, however, struggled convulsively for several minutes, the knot of the rope having slipped in the fall. At half-past nine Dr. West, the medical officer of the gaol, having certified that life was extinct, the bodies were lowered into shells, and the two beings who had just shortly before emerged from the cells in all the vigour and health of manhood, were carted away as breathless clods—a terrible example to all evildoers, and one which, for the sake of society and of humanity, it was hoped would not be without its influence on those misguided men who had transformed many portions of the colony into arenas of robbery and outrage.

The two men who thus ended their lives on the scaffold had each a previous criminal record.

Alexander Ross, who fired the shot that inflicted the wound, was a native of Wolverhampton, and arrived in the colony by the *Royal George* in 1829. No such name as Ross appeared upon the indent of that ship, but the name of Rogers corresponded with this prisoner's description. Ross or Rogers was supposed to have been on Norfolk Island, at which place he made the first acquaintance of the notorious Ainsworth. This pair of worthies subsequently met in Queensland, but that youthful colony not offering scope enough for the extensive range that their talents demanded, they left for Sydney. On their arrival in Sydney, Ross represented himself as a man of wealth

and a stockowner, but before anything in the way of business could be done, Ainsworth, who could not remain quiet, got himself into difficulties in Maitland for passing a cheque that proved to be a forgery, and, being convicted, was imprisoned in Darlinghurst Gaol. This broke up the partnership, and Alexander Ross proceeded to the Lachlan with the evident intention of making gold in the shortest way, since he promised to return in three months and marry a young person, servant in an hotel in Erskine-street, at which he stopped. In her hands he left his portrait, and a quantity of trinkets as a pledge for his return. Only about fourteen days prior to the commission of the offence for which he suffered the death penalty, he met with his namesake, Charles Ross, who, however, was no relative, and whether they committed any robberies in company prior to that of which they have been convicted was not known. O'Connor had only joined the two on the night previous to the robbery. Alexander Ross was forty-nine years of age.

Charles Ross, who was aged fifty-one years, was born at Cheltenham. Came to the colony in 1857 in the ship *Lucretia*. Only very shortly after landing at Sydney he indulged in crimes which brought him into trouble. He made the purchase of a large quantity of jewellery at the shop of Mr. Beckman, ordering it to be sent to his lodgings at an hotel, which he named; the jewellery was sent, Mr. Ross received it from the hands of the porter, bidding him wait whilst he went upstairs and wrote a cheque. Instead of going up stairs, however, he got into the street by another door, and was not seen again until some weeks afterwards, when he was apprehended in the interior on a charge

of horse-stealing, and was then identified as answering the description of the robber. He was sentenced to six years on the roads, and was sent to Cockatoo Island, from which place he was discharged in June, 1861, after a punishment of less than four years' duration. Between the date of his release and his meeting with the other Ross, it was not known how he occupied himself, but at all events he managed to keep out of sight of the police.

William O'Connor was fifty-two years of age, and a native of Tipperary. He came to the colony in the ship *Equestrian*, in 1851, and had just previous to the outrage been engaged upon stations in the Western districts, there being no crime recorded against him until, in an evil hour, and under the influence of the demon of intemperance, he joined with the Rosses in the attack upon Stephens.

The reign of the three men was short. Their first exploit in company carried disaster with its success, for the money they had taken from the man whom they had wounded almost to death did not serve even to bring indulgence in one single carouse, the hand of justice having closed upon them ere they had well started on the road which they imagined would conduct them to a safe retreat. The gallows for two and the ironed cell for the third was not the end they expected; but it was the only end that would have satisfied the people whose peace and safety had been so rudely disturbed by the Caloola outrage. Poor Stephens was marked for life, but that was not all. His business was ruined, and with health enfeebled by the shock he was compelled to begin anew the battle of life, as many another man before him, and spent years



of toil and trouble where, but for the wrong-doing of others, born of the lust for gold, he might have lived in peace and all the comforts a flourishing business is supposed to bring. Nevertheless, his regrets were tempered by the reflection that his life had not fled before the bushranger's bullet. And life being preserved, the loss of earthly goods—great though that loss was—did not overwhelm the sufferer.

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